STERLING NATURAL RESOURCE CENTER

Final Environmental Impact Report
SCH # 2015101058

Prepared for
San Bernardino Valley Municipal Water District

March 2016

ESA

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CHAPTER 9
Introduction

This Final Environmental Impact Report (Final EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). The Final EIR incorporates, by reference, the Draft EIR (State Clearinghouse No. 2015101058) prepared by San Bernardino Valley Municipal Water District (Valley District) for the Sterling Natural Resource Center (project), as it was originally published and the following chapters, which include revisions made to the Draft EIR.

9.1 CEQA Requirements

Before Valley District may approve the proposed project, it must certify that the Final EIR: a) has been completed in compliance with CEQA; b) was presented to the Valley District Board of Directors who reviewed and considered it prior to approving the project; and c) reflects Valley District's independent judgment and analysis.

The Draft EIR, together with the Revisions to the Draft EIR, Response To Comment, and Appendices, constitute the Final EIR for the proposed project. Section 15132 of the *Guidelines for California Environmental Quality Act* (commonly referred to as the *CEQA Guidelines*) specifies the following:

The final EIR shall consist of:

(a) The Draft EIR or a revision of the draft.

(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR.

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

(e) Any other information added by the Lead Agency.

Section 15004 of the *CEQA Guidelines* states that before the approval[1] of any project subject to CEQA, the Lead Agency must consider the final environmental document, which in this case is the Final EIR.

This Final EIR has been prepared pursuant to the requirements of CEQA. This Final EIR for the Sterling Natural Resource Center project presents the following chapters as a continuation of those included in the Draft EIR:

- Chapter 9: Introduction and CEQA process
- Chapter 10: A list of persons, organizations, and public agencies commenting on the Draft EIR, and the written comments received on the Draft EIR
- Chapter 11: Written responses to each comment identified in Chapter 10
- Chapter 12: Clarifications and modifications made to the Draft EIR in Response To Comment received or initiated by the Lead Agency
- Modified or added Appendices

9.2 CEQA Process

Public Participation Process

Notice of Preparation and Public Scoping

In accordance with Section 15082 of the *CEQA Guidelines*, a Notice of Preparation (NOP) of an EIR was prepared and circulated for review by applicable local, state and federal agencies and the public. The 30-day project scoping period, which began with the distribution of the NOP on October 16, 2015, remained open through November 16, 2015. Two public scoping meetings were held on October 29, 2015 at the Valley District office and November 5, 2015 at the East Valley Water District office. The NOP provided the public and interested public agencies with the opportunity to review the proposed project and to provide comments or concerns on the scope and content of the environmental review document including: the range of actions; alternatives; mitigation measures, and significant effects to be analyzed in depth in the EIR.

Notice of Availability of the Draft EIR

The Notice of Availability (NOA) of the Draft EIR was posted on December 17, 2015 with the County Clerk in San Bernardino County. The Draft EIR was circulated to federal, state, and local agencies and interested parties requesting a copy of the Draft EIR. Copies of the Draft EIR were made available to the public at the following locations:

- Sterling Natural Resource Center Web Site (http://www.sterlingnrc.com)
- SBVMWD Headquarters, 380 E. Vanderbilt Way, San Bernardino, CA 92408

[1] The word "approval" is defined by Section 15352 of the *CEQA Guidelines* to mean "the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person…"

- Norman F Feldheym Central Library, 555 West 6th Street, San Bernardino, CA 92410
- Highland Sam J. Ricardo Library & Environmental Learning Center, 7863 Central Avenue, Highland, CA 92346

The Draft EIR was circulated for public review from December 17, 2015 through February 1, 2016. During this period, Valley District held two public meetings to provide interested persons with an opportunity to comment orally or in writing on the Draft EIR and the project. The public meetings were held at the Valley District office in San Bernardino on January 14, 2016 and the East Valley Water District office in Highland on January 19, 2016. No comments were offered from the audience at either public meeting.

Evaluation and Response to Comment

CEQA Guidelines Section 15088 requires Valley District, as the Lead Agency, to evaluate comments on environmental issues received from parties that have reviewed the Draft EIR and to prepare a written response. The written responses to commenting public agencies shall be provided at least ten (10) days prior to the certification of the Draft EIR *(CEQA Guidelines* §15088(b)).

Final EIR Certification and Approval

As the Lead Agency, Valley District provided the Final EIR to commenters on March 4, 2016 and made it available for review at the following locations:

- Sterling Natural Resource Center Web Site (http://www.sterlingnrc.com)
- SBVMWD Headquarters, 380 E. Vanderbilt Way, San Bernardino, CA 92408
- Norman F Feldheym Central Library, 555 West 6th Street, San Bernardino, CA 92410
- Highland Sam J. Ricardo Library & Environmental Learning Center, 7863 Central Avenue, Highland, CA 92346

Prior to considering the project for approval, Valley District, as the Lead Agency, will review and consider the information presented in the Final EIR and will certify that the Final EIR:

(a) has been completed in compliance with CEQA;

(b) has been presented to the Board of Directors as the decision-making body for the Lead Agency, which reviewed and considered it prior to approving the project; and

(c) reflects Valley District's independent judgment and analysis.

Once the Final EIR is certified, Valley District's Board of Directors may proceed to consider project approval (*CEQA Guidelines* §15090). Prior to approving the proposed project, Valley District must make written findings and adopt statements of overriding considerations for each unmitigated significant environmental effect identified in the Final EIR in accordance with Sections 15091 and 15093 of the *CEQA Guidelines*.

Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, Valley District will file a Notice of Determination (NOD) with the Office of Planning and Research and San Bernardino County Clerk of the Board within five working days after project approval.

CHAPTER 10
Comment Letters

The Draft EIR for the Sterling Natural Resource Center Project (project) was circulated for public review for 45 days (December 17, 2015 through February 1, 2016) in accordance with the requirements of *CEQA Guidelines* Section 15105(a). Valley District received twenty two comments letters and emails during the public review period, which are listed in **Table 10-1** and included within this chapter. The letters have been marked with brackets that delineate comments pertaining to environmental issues and the information and analysis contained in the Draft EIR. Responses to such comments are provided in Chapter 11.

TABLE 10-1
COMMENT LETTERS RECEIVED

Comment Letter	Commenting Agency	Type of Agency	Date of Comment
USFW	U.S. Fish and Wildlife Service	Federal	February 3, 2016
CDFW	California Department of Fish and Wildlife	State	February 1, 2016
Colton	City of Colton	Local	February 1, 2016
HIghland	City of Highland	Local	February 1, 2016
Rialto	City of Rialto	Local	February 4, 2016
RPU	City of Riverside Public Utilities Department	Local	February 1, 2016
IVDA	Inland Valley Development Agency	Local	January 29, 2016
MWD	Metropolitan Water District of Southern California	Local	January 28, 2016
OCWD	Orange County Water District	Local	February 1, 2016
SBCDPW	San Bernardino County Department of Public Works	Local	February 1, 2016
SBCRP	San Bernardino County Regional Parks	Local	January 4, 2016
SBMWD	San Bernardino Municipal Water District	Local	February 1, 2016
SBIAA	San Bernardino International Airport Authority	Local	January 29, 2016
EHL	Endangered Habitats League	Non-Governmental Organization (NGO)	January 28, 2016
CBD SBVAS SC	Center for Biological Diversity/ San Bernardino Valley Audubon Society/ San Gorgonio chapter of Sierra Club	NGO	February 1, 2016
LAFCO	Local Agency Formation Commission for San Bernardino County	NGO	February 1, 2016
MACA	Mentone Area Community Association	NGO	February 1, 2016
SEJA	SoCal Environmental Justice Alliance	NGO	February 1, 2016
Serrano	Anthony Serrano 1	Individual	February 1, 2016
Yauger	Fred Yauger	Individual	January 19, 2016
Serrano-2	Anthony Serrano 2	Individual	February 25, 2016
Serrano Emails	Anthony Serrano Emails	Individual	February 10, 2016

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262

In Reply Refer To:
FWS-SB-16B0182-16CPA0233

Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

FEB - 3 2016

Subject: Draft Environmental Impact Report for the Sterling Natural Resource Center, City of Highland, San Bernardino County, California

Dear Mr. Barnes,

The U.S. Fish and Wildlife Service (Service) has reviewed the subject Draft Environmental Impact Report (DEIR) for the proposed Sterling Natural Resource Center (SNRC or project) received on December 17, 2015. The DEIR was prepared by San Bernardino Valley Municipal Water District (Valley District) to identify the proposed project's direct, indirect, and cumulative environmental impacts, to discuss alternatives, and to propose mitigation measures that avoid, minimize, or offset significant environmental impacts. The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.). We are providing the following comments as they relate to the Project's effects on wildlife resources and species listed under the Act.

The proposed project includes the construction of a new wastewater treatment facility and conveyance pipelines in order to treat wastewater generated within the East Valley Water District (EVWD) service area. The new treatment facility would be located in the City of Highland. The SNRC would be constructed within the Valley District service area on 20 acres located at North Del Rosa Drive between East 5th Street and East 6th Street in the City of Highland. A conveyance pipeline to the City of Redlands' discharge basins would be installed in Alabama Street from East 6th Street to the of Redlands basins, approximately 1.3 miles. A second 3-mile conveyance pipeline would be installed in East 6th Street from the SNRC property east to City Creek and then north within San Bernardino County Flood Control District right-of-way along City Creek.

Valley District proposes the construction of the SNRC and associated pipelines for the purposes of treating approximately 6 MGD (up to a maximum of 10 MGD) of untreated wastewater to tertiary standard. The treated effluent would be discharged into ground water recharge basis (on site or in the City of Redlands) or into City Creek or an alternative location. Currently, EVWD conveys approximately six million gallons per day (MGD) of wastewater to the City of San Bernardino for secondary treatment at the San Bernardino Water Reclamation Plant and tertiary

treatment at the Rapid Infiltration and Extraction (RIX) facility. The RIX facility discharges treated water into the Santa Ana River. Operation of the SNRC will remove approximately 6 MGD (9.3 cubic feet per second, 18 to 21 percent) of effluent currently being discharged into the Santa Ana River from RIX. Effluent discharged from SNRC would potentially increase the length of the perennial stream in City Creek.

The federally-endangered least Bell's vireo (*Vireo bellii pusillus*, vireo), southwestern willow flycatcher (*Empidonax traillii extimus,* flycatcher), San Bernardino kangaroo rat (*Dipodomys merriami parvus*, SBKR), and Santa Ana River woolly-star (*Eriastrum densifolium* subsp. *sanctorum*, woolly-star), and the federally-threatened Santa Ana sucker (*Catostomus santaanae*, sucker) are present in various habitats in the Santa Ana River and in City Creek. The proposed project has the potential to affect these species.

We appreciate the completeness of the analysis of potential project impacts to biological resources presented in the DEIR. In particular we commend Valley District for the acknowledgment that the project may result in significant and unavoidable impacts to the sucker. As indicated in the DEIR, wastewater discharge into the Santa Ana River is the main contributor to perennial low flow in the sucker-occupied portion of river. The project would reduce discharges from RIX by approximately 20 percent, which equates to a loss of 1.1 inches of depth and a 3 percent reduction in total wetted area of the channel. Even if these reductions appear to be minor or insignificant by themselves, because the distribution of sucker in the river is limited and sucker habitat even in the occupied portion of river is degraded, it is important that agencies considering projects that would alter flows in the occupied reach of the river recognize that a reduction in flows would further limit and degrade the portion of the river that is usable by the sucker. Under these circumstances, even a robust mitigation plan would be challenged to ensure that the impacts of decreased flows in the river would be reduced to levels that can be deemed less than significant to the sucker and its habitat. 1

The volume of perennial low flow in the occupied reach of the river is not the only factor that is relevant to the long-term viability of the sucker in the Santa Ana River watershed. Predation, invasive plant species, a lack of suitable microhabitat, limited habitat connectivity, and a reduction in natural high flow events from flood control infrastructure, are all threats to the long-term viability of the species. Valley District has proposed a mitigation strategy that specifically addresses known threats to sucker and will provide meaningful offsets to the project's impacts to aquatic resources, both upstream and downstream of the RIX discharge pool. The recognition of the existing conditions for the sucker in the river in the DEIR and the comprehensive approach taken by Valley District to address these threats, particularly the commitment to establish a new self-sustaining population in a mountain tributary of the Santa Ana River will serve to reduce the risk to the species in the watershed, and will provide significant conservation benefit to the species.

The project expects to participate in the Upper Santa Ana River Habitat Conservation Plan (HCP). While the HCP is still in development, we are encouraged by the partnerships and comprehensive approach taken by the HCP participants. The HCP has the potential to contribute

greatly to the conservation and recovery of the sucker. Prior to reducing flows in the river, either the HCP or the proposed project will provide habitat enhancement in the mainstem of the river and establish a new sucker population. This two-fold strategy will address degraded conditions in the river, resulting in an increased carrying capacity and healthier fish that are better able to cope with localized stressors and will provide a buffer against a catastrophic event extirpating the species from the mainstem of the river.

The Service is not insensitive to the water supply needs of the San Bernardino Valley and the effort that must be made to meet those needs. Local water production helps to reduce reliance on imported water, reducing or eliminating impacts to areas of imported water origin as well as reducing the overall consumer footprint. The mitigation strategy proposed by Valley District charts a course towards the recovery of the species and we hope it will be emulated by other water projects in the San Bernardino Valley. 1

We have provided comments and requests for information regarding the analysis of impacts to biological resources provided in the DEIR. We understand that the project is seeking federal funding and we therefore anticipate that a request for consultation on endangered species for the project will be forthcoming. The information and analysis requested below will also help inform that consultation.

Santa Ana Sucker

Habitat for species associated with aquatic and riparian plant communities in the Santa Ana River is supported by tertiary-treated wastewater discharged from two facilities, the RIX facility and the City of Rialto water treatment plant, in the upper portion of the watershed (City of Colton). Since 1996, when RIX began discharging tertiary effluent into the river, the perennial flows have provided a robust riparian canopy and sand transport downstream which makes gravel and cobble substrates available to the sucker. The historic condition of the Santa Ana River was perennial, with contributions to surface flow from mountain tributaries and groundwater upwelling. Alteration to the hydrology of the watershed, in the form of surface water capture (flood control and groundwater recharge), increased groundwater extraction, road building, and other flood control infrastructure and maintenance, has degraded the abundance and quality of the aquatic habitat in the remnant perennial reach of the river. Without the discharge from the RIX facility and flows from Rialto Channel, 3 to 4 miles of the river would be without water for a majority of the year, since storm flows are infrequent and typically short in duration. 2

The sucker is a small, short-lived, algae-eating fish which exists in three Southern California watersheds; the Los Angeles River, the San Gabriel River, and the Santa Ana River. Of the species listed above, the sucker is threatened most directly by the alteration of the natural flow regime by flood control and water diversion, and conversely the most dependent upon discharges from the City's facility to maintain suitable habitat, composed of substrate with various sized rock and cobble, for spawning and foraging (Service 2014). Designated critical habitat for the sucker exists in all of the areas potentially affected by this project. Designated critical habitat for

the flycatcher and vireo exist in the mainstem of the river and for SBKR in City Creek and a portion of the Santa Ana River. If the project is constructed as proposed all treated wastewater currently discharged into the Santa Ana River from the RIX facility will be treated at the SNRC and transported (piped) further upstream for groundwater recharge, reducing the volume of the perennial flow in the sucker-occupied portion of the river (City of Colton and downstream). 2

Sediment Transport

It is important to consider the temporal shifts that routinely occur in the composition of the sucker's streambed habitat. Observations made directly after storm events have found very few reaches of the river with appropriate sucker habitat (coarse rocky substrate) (Service 2015). Depending on the scale of the storm event, pulses of transported sand may effectively cover (remove) foraging habitat for the sucker. Perennial low-flow moves the sand downstream, exposing hidden gravel bars. Historically, this low-flow condition was natural, derived from mountain tributaries and multiple location of rising groundwater. Currently, this flow is artificial during most of the year in the upper portion of the perennial river. 3

Hydrologic Flow Model

The hydrologic flow model in the DEIR relied on a report by Saiki (2000) to quantify appropriate flow velocity for sucker habitat. His field work was conducted between 1998 and 1999 near the Metropolian Water District Pipeline crossing in Riverside County, the portion of the river most used by the sucker at that time. In this portion of the river, both then and now, the substrate is dominated by shifting sand, the water is shallow, and the habitat is primarily composed of runs. Pool and riffle habitat was extremely rare or not present. Sucker habitat was poor quality and contained few fish older than one year. Saiki found that fish from the Santa Ana River were generally in poorer health than the fish sampled in the San Gabriel River. He observed suckers in water with a mean flow less than 0.74 m/s and at shallow depth, generally less than 40 cm. Because that reach of the river is shallow (mean 17 cm) and the occurrence of pool habitat rare, it is no surprise that most fish were observed in shallow water habitat. The skewed abundance ratio toward young sucker may confound the results of this study. Young fish are generally found in shallower and slower portions of the stream. We recommend updating the hydrologic flow model used in the DEIR with recent work conducted by the USGS (Santa Ana River) and BonTerra Psomas (Big Tujunga Creek, Los Angeles River Watershed) on habitat usage by sucker prior to the adoption of the FEIR. These data sets may show sucker use of deeper and higher velocity flow habitat (scour pools created by flow constrictions) than what was reported by Saiki. The conclusions from the revised hydrologic flow model should be presented in the FEIR. 4

The hydrologic model used a percentage reduction in total flow to estimate surface flow at various locations downstream of RIX. Applying this assumption to an alluvial river system where the surface flows have been observed to go to zero (dry streambed) may be inappropriate, as modeled flows would never reach zero. More explanation to validate the assumptions used in the hydrologic model would be helpful. In addition, please estimate the minimum flow necessary to maintain connectivity in the river, as well as the minimum flow necessary to maintain appropriate sucker habitat, for all life stages, in the potential impact area and include this

information in the FEIR. We suggest that the potential impact area include the Santa Ana River from the RIX discharge pool to Prado Basin, or as far downstream as effects are detectable. 4

Red Alga
In February 2014 the Service conducted a sucker survey to assess the potential effects of the newly established non-native invasive red alga (*Compsopogon caeruleus*) in the river. It was noted during this survey that sucker were observed most frequently in high flow areas where there was an obstruction (log, concrete slab, root mass, etc.) constricting the channel width, and that the red alga was less abundant in these high flow areas. We view this as an indication that high flow areas are used by the sucker, provide foraging habitat for sucker, and importantly, limit the growth of the invasive red alga. 5

High velocity flow habitat is rare within the mainstem of the river and provides both forage and cover for fish even when riparian or emergent plant canopy may be absent. Due to the rarity of this habitat type and the highly altered hydrology of the watershed, the current aquatic environment in the river is generally of poor quality for the sucker.

Groundwater Contribution
Changes in groundwater contribution to surface flow dramatically affect the results of the hydrologic model. Recent major changes to groundwater levels in the surrounding lands include a four-year drought and the hydrologic management of the Chino Groundwater Basin. To our knowledge, neither of these changed conditions has been accounted for in the DEIR. Please include in the FEIR a discussion and analysis of how groundwater basin management is expected to influence current and future surface flows in the Santa Ana River. 6

RIX Discharge
Over the past decade discharges from RIX have decreased steadily, with the current mean discharge rate at approximately 29.5 MGD (45.6 cfs; CIWQS 2016). The current rate of release from RIX may be lower than what was accounted for in the DEIR and with water conservation measures and storm water capture, the trend is toward a continued decrease in future RIX discharge volume. The analysis of impacts to in-stream resources in the FEIR should take the projected decrease in RIX outflows into consideration.

Another factor complicating the analysis of surface flows in the portion of the river occupied by the sucker is the unknown diurnal fluctuation in releases from RIX. Field observations note regular changes in surface water elevation in the river. An analysis of the instantaneous discharge from RIX, where the focus is on low flow discharge events, needs to be conducted so as to better explain the effect this proposed project on biological resources. The DEIR used mean values for flow in the river downstream of the confluence with RIX. Mean or complied values mask the periods of low flow in the river where impacts to aquatic resources are most pronounced. Please consider low flow releases from RIX in the FIER in the assessment of impacts to aquatic resources, especially to fish. Seasonality should be considered, as impacts to fish will be greatest during and after spawning season when larvae and small juvenile fishes are present in the stream. 7

Santa Ana Sucker Habitat Monitoring and Management Plan

SAS-1: Microhabitat Enhancements
The DEIR proposes to restore or enhance habitat for the sucker in the Santa Ana River. In order to create or optimize habitat for the sucker one needs to first describe the habitat conditions to be used as a benchmark for success. This needs to be done for each life stage. Typically a reference site is used to identify and measure the attributes of high quality habitat. High quality habitat is very rare or does not exist in the Santa Ana River. We recommend that the East Fork of the San Gabriel River be used as a reference drainage because it is the only hydrologically unaltered stream occupied by the sucker. Please include a description of how sucker habitat metrics will be identified and measured for each life stage for use in developing measureable, achievable habitat enhancement goals in the FEIR. We are available to work with you on this process. 8

SAS-4: High Flow Pulse Events
The DEIR identified flushing flows to move sand downstream and uncover the gravel and cobble substrate important to the sucker to help offset the impacts from an increase in the sand deposition in the occupied reach of the river and a projected increase in the duration that the deposited sand remains on the rocky substrate resulting from the proposed reduction of 6 MGD (9.3 cfs, 18-21 percent) in surface flow. The flushing flows would come into the river from the RIX facility. Please identify or describe in the FEIR the relationship or mechanism between Valley District and the City of San Bernardino that would facilitate the flushing flow discharges.

The use of flushing flows will provide increased sediment transport over the duration of the high flow event and mobilize in-stream resources. An analysis of how flushing flows will affect suckers residing in the affected reaches, sucker habitat, and the riparian plant community is needed to show the effects of this activity on the river system as a whole. Please provide a model of a high flow pulse events to establish parameters for the required flow volume and duration needed to achieve a desired effect, in this case the uncovering of the rocky substrate. These parameters are necessary for us to adequately evaluate the effect of this action on the river and on sucker habitat. The DEIR proposes two flushing flow events per year. We request that a quantifiable threshold that represents a degraded condition whereby a flushing flow would improve habitat for the sucker be established and adopted instead. Please provide a threshold in the FEIR and describe how it was derived. 9

SAS-5: Supplemental Water
The DEIR proposes the use of supplemental cool water supplied by one or more wells along Rialto Channel to reduce the mean water temperature of Rialto Channel when the water temperature of Rialto Channel approaches lethal levels for the sucker (approximately 90 degrees Fahrenheit), rendering the channel uninhabitable by the species. 10

We recognize that cooling the water in Rialto channel during the summer would greatly expand the area of occupiable habitat for the sucker in the summer months and are in full support of this

strategy. We would like to point out that that providing cooler water year round would further benefit the sucker. Cooler water holds a higher percentage of dissolved oxygen than warmer water; this benefits most aquatic life in the river ecosystem. Higher flow rates incorporate more dissolved oxygen into the water and provided increased sediment transport. Reliable perennial low flows will minimize project impacts. We would like you to consider the use of wells to supply perennial, cool flows to Rialto Channel during a larger portion of the year. As discussed below we think additional cool water will help limit the distribution of the invasive non-native red alga in the river. 10

Red Alga (*Compsopogon cearuleus*)
The invasive non-native red alga was first found in the upper portion of the perennial Santa Ana River in February 2014 (Palenscar 2014). This filamentous alga is an exotic tropical species that is now thriving in the warm effluent discharge from the RIX facility in the Santa Ana River. We believe that cooling the temperature of the water in the river could be used as a management tool to control the abundance of this weed in the river. An experimental translocation of this alga upstream of the RIX confluence into water taken from Rialto Channel (Palenscar unpublished data), as well as experiments conducted in fish raceways at the Riverside-Corona Resource Conservation District have found that this alga species does very poorly in systems where water temperature fluctuates and is occasionally cold. Incorporating measures to decrease the water temperature in Rialto Channel will decrease the mean temperature of the river downstream of the RIX plunge pool. Cooling this water will decrease the habitat quality for the invasive non-native alga and may decrease its abundance. This would benefit the sucker and other aquatic resources in the Santa Ana River. 11

The use of flushing flows to increase the transport of sediment may also be used to manage the abundance of the invasive red alga. High flows fragment algal filaments, decreasing its abundance. We request that the FEIR include a discussion of project related effects of the the red alga and how those effects might affect the sucker.

<u>San Bernardino Kangaroo Rat</u>

BIO-2: Disturbance to Special-Status Wildlife
We have concerns about the potential direct and indirect adverse effects to SBKR and its designated critical habitat that may result from the project as currently proposed in City Creek and its confluence with the Santa Ana River. The Santa Ana River population of SBKR is the largest of the three remaining populations of SBKR. The long-term persistence of this population of SBKR is necessary to the survival and recovery of the sub-species. It is important that any project impacts to SBKR and its designated critical habitat be considered in this context. 12

Perennial discharge of effluent into City Creek will result in the conversion of some alluvial fan sage scrub (SBKR habitat) into riparian habitat, which is unsuitable for SBKR. The converted area will constitute a permanent loss of function of critical habitat for SBKR. We recognize the potential value to the sucker from an increased perennial streamlength in City Creek and would like work with you prior to the adoption of the FEIR to minimize the loss of habitat function for

SBKR in City Creek and its confluence with the Santa Ana River. The revised FEIR should quantify and address impacts to SBKR in City Creek. 12

Least Bell's Vireo and Southwestern Willow Flycatcher

BIO-2: Disturbance to Special-Status Wildlife
The DEIR anticipates a three percent reduction in wetted area due to a 6 MGD reduction in flow, and that this change will have a less than significant effect to the riparian plant community. Regional groundwater management has increased in recent years. In order to analyze cumulative effects to the riparian plant community, a regional assessment is needed to determine the baseline from which you can assess project impacts. Please include in the FEIR a regional groundwater basin assessment for City Creek and the Santa Ana River in the assessment of potential changes to the riparian plant community from the project, as and how those changes will affect flycatcher, vireo, and their critical habitats. 13

Santa Ana River Woolly-star

BIO-1: Disturbance to Special-Status Plants
Woolly-star may be present in the active floodplain (pioneer alluvial fan sage scrub community) of City Creek and its confluence with the Santa Ana River. Perennial flow of 6 MGD will lead to the type conversion of alluvial fan sage scrub to a riparian plant community; the area of alluvial fan sage scrub which will be lost is not specified. Any woolly-star present in this vegetation transition area will be affected. Please include an assessment of impacts to woolly-star habitat and other special status plants, and an appropriate strategy to offset them, in the FEIR. As with SBKR we would like to work with you prior to the adoption of the FEIR to minimize the loss of habitat function for woolly-star in City Creek and its confluence with the Santa Ana River. 14

We appreciate the opportunity to comment on the DEIR and look forward to working with you on this project. If you have comments or questions regarding this information, please contact Kai Palenscar of the Palm Springs Office at 760-322-2070, extension 208.

Sincerely,

Kennon A. Corey
Assistant Field Supervisor

cc:
Jeff Brandt, California Department of Fish and Game, Ontario

Literature Cited

CIWQS 2016. California Integrated Water Quality System Project. State Water Resources Control Board. November 2015. https://ciwqs.waterboards.ca.gov/. Accessed January 27, 2016.

Palenscar, Kai T. 2014. A New Invasive Alga for Southern California *Composopogon caeruleus* and its potential impact on the Santa Ana Sucker. Presentation given at California State University Pomona. August 27, 2014.

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State of California - Natural Resources Agency
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Ontario, CA 91764
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

February 1, 2016

Ms. Heather Dyer
San Bernardino Valley Municipal Water District
380 E. Vanderbilt Way
San Bernardino, CA 92408

Subject: Draft Environmental Impact Report
Sterling Natural Resource Center Project
State Clearinghouse No. 2015101058

Dear Ms. Dyer:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Sterling Natural Resource Center Project (project) [State Clearinghouse No. 2015101058]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

PROJECT DESCRIPTION

The proposed project includes several components: construction of the Sterling Natural Resource Center (SNRC), upgrades to the collection system, a treated effluent conveyance system, and discharge facilities. Details pertaining to each project component include:

Sterling Natural Resource Center and Administration Center: The construction and operation of a wastewater treatment facility, including primary treatment, a membrane bio-reactor, ultraviolet light disinfection, and anaerobic solids processing; offsite solids disposal; and construction of administration offices on a total of 26-acres. The proposed facility is located north of East 5th Street, south of East 6th Street on parcels directly east and west of North Del Rosa Drive in the City of Highland. The SNRC would provide tertiary treatment to wastewater generated within the East Valley Water District (EVWD) service area. The SNRC would have a maximum capacity of 10 million gallons per day (MGD). The administrative offices will be surrounded by publicly accessible open space.

Treated Water Conveyance System: The construction of a recycled water conveyance system comprises of a pump station at the SNRC, 24-inch diameter distribution pipelines to one of three discharge locations (City Creek, East Twin Creek Spreading Grounds, or Redlands Basins), potential crossings of the pipeline, and discharge structures.

For the City Creek discharge alternative, approximately 38,700 linear feet of 24-inch diameter distribution pipeline will be installed within East 6th Street or East 5th Street from the SNRC property to Central Avenue, south to the City Creek channel crossing, then north to the City Creek discharge structure. The pipeline would be installed either within San Bernardino County Flood Control District right-of-way along City Creek or under the City Creek levees using trenchless construction methods.

For the East Twin Creek Spreading Grounds discharge alternative, approximately 22,000 linear feet of 24-inch diameter pipeline would be installed within North Del Rosa Drive to Marshall Boulevard, then to its discharge point within the East Twin Creek Spreading Grounds.

For the Redlands Basins discharge alternative, a 24-inch diameter distribution pipeline would be installed within Alabama Street from East 6th Street or East 5th Street for approximately 1.3 miles south to the existing Redlands Basins.

Wastewater Collections Facilities: The construction of two sewer lift stations and force mains at East 3rd Street and Waterman Avenue (0.6 MGD capacity) and near 6th Street and Pedley Road (5.4 MGD capacity) in order to convey flows to the SNRC. One six-inch double-barrel force main would be installed within East Little 3rd Street and Pedley Road from the 0.6 MGD lift station to the 5.4 MGD lift station and one 16-inch double-barrel force main would be installed in East 6th Street from the 5.4 MGD lift station to the SNRC facility.

Refurbishing the Rialto Channel Groundwater Wells: The refurbishment and operation of four existing groundwater wells located near Rialto Channel (pending owner-approval) to enable groundwater to be used as supplemental water, to mitigate the potential direct and indirect effects of reduced flow. The groundwater would be conveyed into the Santa Ana River as needed to maintain minimum flows established by the wildlife agencies.

Santa Ana River Pipeline: An existing 36-inch reinforced concrete pipeline extends from Alabama Street to the San Bernardino Water Reclamation Plant (SBWRP) for approximately 5.27 miles. The upper 6,000 feet of the existing pipeline would be relined with PVC liner to re-purpose the pipeline to serve as carrier pipe for the treated water connecting the SNRC to the SBWRP discharge pipeline. The existing 36-inch pipeline would act as the casing for the proposed 24-inch diameter pipeline. In areas where the existing 36-inch pipeline has been removed, new pipeline segments would be installed.

From the SBWRP discharge pipeline connection, the treated water would be conveyed to the existing pipeline connecting to the Rapid Infiltration and Extraction (RIX) facility conveyance system, thus mixing with the secondary treated water produced at the SBWRP. A bypass pipeline will be necessary to connect the Santa Ana River Pipeline with the RIX discharge pipeline. The bypass pipeline would be installed on SBWRP property or on adjacent property, and would allow treated water to be discharged to the Santa Ana River below RIX for short periods to ensure adequate river flows.

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); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the San Bernardino Valley Municipal Water District (District; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources.

Environmental Impacts and Mitigation Measures

The Department is concerned that identification and discussion of all potential project-related impacts have not been addressed in the DEIR. The Department recommends that this information and analysis be included in the revised DEIR to facilitate the Department's ability to rely on the DEIR for the issuance of a Lake or Streambed Alteration (LSA) Agreement, and potentially a CESA Incidental Take Permit (ITP).

Special Status Species

Impact 3.4-1 determines that construction and operation of the project could have a substantial adverse effect on plant and wildlife species identified as candidate, sensitive, or special-status species. Mitigation Measures BIO-1and BIO-2 acknowledge that potential project-related impacts to special status species may result from the construction of the SNRC, pipeline extension, discharge structures within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds, and perennial discharges to City Creek or other discharge locations. These special status species and plant communities include: Plummer's mariposa lily, smooth tarplant, Parry's spineflower, white-bracted spineflower, slender-horned spineflower, Santa Ana River woolly-star, California satintail, Robinson's pepper-grass, Parish's gooseberry, Riversidean alluvial fan sage scrub, southern cottonwood-willow riparian forest, Santa Ana sucker, arroyo chub, Santa Ana speckled dace, western spadefoot, Southern California legless lizard, orange-throated whiptail, coast horned lizard, two-striped garter snake, western burrowing owl, California horned lark, yellow-breasted chat, loggerhead shrike, California gnatcatcher, yellow warbler, least Bell's vireo, San Diego pocket mouse, San Bernardino Merriam's kangaroo rat, Western mastiff bat, western yellow

1

bat, San Diego black-tailed jackrabbit, San Diego desert woodrat, and Los Angeles pocket mouse.

Mitigation Measure BIO-3 proposes a plan to offset impacts to Santa Ana sucker (*Catostomus santaanae*) and other aquatic resources, but fails to propose an enforceable mitigation strategy to offset impacts to any of the other sensitive species that may be adversely impacted through construction of the project. Instead, Mitigation Measures BIO-1 and BIO-2 propose to conduct focused surveys to determine the presence/absence of any of the special status species, and consult with the Department and the United States Fish and Wildlife Service (USFWS) if state- or federally-listed species are determined to be impacted by the project. Because specific and enforceable mitigation is not being proposed, and is dependent on the outcome of future surveys, the Department is concerned that appropriate mitigation measures are being deferred to future regulatory discretionary actions, such as a CESA ITP and/or an LSA Agreement. The Department recommends that the District conduct focused surveys for the sensitive species identified as having the potential to occur onsite in order to adequately describe impacts and propose specific and enforceable compensatory mitigation. The Department further recommends that once surveys are complete and specific and enforceable mitigation is formulated, the District recirculate the DEIR for public review. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant, because they deprive the public and agencies of their right to know of project impacts and how they are being mitigated (CEQA Section 15002). 1

Santa Ana Sucker

Hydrological modifications within the Santa Ana River have led to the degradation and loss of habitat for a multitude of species. Of particular concern and paramount to this project is the continued persistence of the federally threatened Santa Ana sucker. The species is endemic to the Los Angeles, San Gabriel, and Santa Ana Rivers, and one third of the species range occurs within the Santa Ana River. The USFWS ruling (2000, pp. 19687-19688) states that approximately 70 percent of the Santa Ana sucker's historical range has been lost in the Santa Ana River watershed. Furthermore, because of past, current, and future proposed hydrological modifications, impassable barriers, limited availability of suitable in-stream habitat, dependency on tertiary-treated water, and jeopardy from inconsistent flows associated with the maintenance of water treatment facilities, the Santa Ana River population of Santa Ana sucker is at risk of extirpation. 2

The Department agrees with the DEIR's finding of significant impact for the diversion of 6 MGD on the Santa Ana sucker and other aquatic species within the Santa Ana River. The reduced discharge study concluded that the proposed diversion would reduce the total flow of the Santa Ana River downstream of the discharge location by 18-21%, and would lower water depths by a maximum of 1.1 inches, reduce the wetted area by 6%, and result in an average change in a "velocity class" of 2% of the total channel area. The Department agrees with the DEIR's conclusion that "although these effects are

minor by themselves, the incremental effect of any flow reduction could degrade the already compromised aquatic habitat resulting in increased stress to the federally-listed Santa Ana sucker."

Within the past 1-2 years, the invasive red algae (*Compsopogon coeruleus*) has been discovered downstream of the RIX outfall, and has been documented to significantly reduce the availability of Santa Ana sucker foraging and spawning habitat due to its smothering growth (USFWS 2014). Given the potential implications the algae may have on the continued persistence on Santa Ana sucker, The Department recommends that the mitigation strategy include a manipulation of water temperature to aid in the reduction of the red algae growth downstream of the RIX outflow. 2

Hydrology

Where a project has the potential to affect the hydrologic regime of a watershed, the necessary elements and/or processes required to successfully maintain downstream biological diversity need to be identified to minimize downstream impacts, propose adequate, specific, and defensible compensatory mitigation (where necessary), and facilitate sound management decisions. The reduced discharge study completed as a part of this DEIR assessed predicted changes to Santa Ana sucker habitat taking into account reduced surface water flows and depth to groundwater (measured at a limited number of locations). The Department is concerned that the interpretation of these variables alone may not be sufficient, and recommends that the evaluation incorporate two additional components to identify impacts to Santa Ana sucker and other aquatic resources, and increase the effectiveness of the proposed mitigation: 3

1. Identification of minimum flows necessary to maintain the health and persistence of aquatic resources in Rialto Channel and the Santa Ana River downstream.

2. A more comprehensive identification of groundwater resources and seasonal monitoring within the Upper Santa Ana River basin. Recent treatment plant maintenance shutdowns have resulted in complete dewatering of sections of the river, but areas of dewatering have been variable over time. The Department is concerned that without expanded monitoring of baseline groundwater levels, the data used in this analysis may not provide a true representation of current or future conditions.

Nesting Birds and Migratory Bird Treaty Act

Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or 4

eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that is it 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

Mitigation Measure BIO-5 states that "construction of the project should avoid the general avian breeding season of February through August" and "if construction must occur during the general avian breeding season, a pre-construction survey should be conducted within 30 days prior to the start of construction." Please note that some species of raptors (e.g., owls) may commence nesting activities in January. The Department encourages the Lead Agency to complete nesting bird surveys regardless of time of year to ensure compliance with all applicable laws related to nesting birds and birds of prey. 4

The Department recommends that pre-construction surveys be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. As mentioned previously, it is the Lead Agency's responsibility to ensure that the project complies with all applicable laws related to nesting birds and birds of prey, and that violations of these laws do not occur.

Burrowing Owl

The DEIR does not include a mitigation plan to offset impacts to the potential loss of burrowing owl nesting and/or foraging habitat, should burrowing owl be found onsite, and instead implies that development of such a plan would occur at a later date, after public review. Due to lack of information on a mitigation plan to offset impacts to the potential loss of burrowing owl nesting and/or foraging habitat, the Department is unable to determine whether the impacts would be mitigated, and cannot, without further information from the District concur that impacts to burrowing owl would be mitigated to less than significant levels through the implementation of Mitigation Measure BIO-2. 5

To reduce potential impacts to burrowing owl to a level less than significant the Department recommends that the District revise the DEIR and condition Mitigation Measure BIO-2 to include specific, enforceable, and feasible actions to mitigate impacts to burrowing owl, should they be detected onsite. Current scientific literature supports the conclusion that mitigation for permanent burrowing owl habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow. Please note that the Department does not recommend the exclusion of owls using

passive relocation unless there are suitable burrows available within 100 meters of the closed burrows (Trulio 1995, CDFG 2012) and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). The Department recommends that the District notify the USFWS and the Department if owls are found to be present onsite and develop a conservation strategy in cooperation with the USFWS and the Department, in accordance with the Department's *Staff Report on Burrowing Owl Mitigation*. 5

Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the Sterling Natural Resource Center Project (SCH No. 2015101058). The Department requests that the DEIR be revised to address the Department's comments and concerns, and recirculated for public review. If you should have any questions pertaining to the comments provided in this letter, please contact Claire Ingel at (909) 484-3979 or at claire.ingel@wildlife.ca.gov.

Sincerely,

Leslie MacNair
For Regional Manager

cc: State Clearinghouse, Sacramento

References

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available at http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf

Trulio, L.A. 1995. Passive Relocation: A Method to Preserve Burrowing Owls on Disturbed Sites. Journal of Field Ornithology 66(1):99-106.

[USFWS] U.S. Fish and Wildlife Service. 2000. 65 FR 19686. Endangered and threatened wildlife and plants; threatened status for the Santa Ana sucker. Federal Register 65: 19686-19698.

[USFWS] U.S. Fish and Wildlife Service. 2014. Draft Recovery Plan for the Santa Ana sucker. U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. v + 61 pp.

From:	Tom Barnes
To:	Ashok Dhingra (Adhingra@eastvalley.org); janenn Usher (j.usher@mpglaw.com) (j.usher@mpglaw.com); Elie, Steve (S.Elie@MPGLAW.com); Jean Cihigoyenetche (JeanCihigoyenetche@cgclaw.com); Heather Dyer (heatherd@sbvmwd.com); Camille Castillo
Subject:	FW: Draft EIR for the Sterling Natural Resource Center
Date:	Monday, February 01, 2016 5:00:43 PM

From: Victor Ortiz [mailto:VOrtiz@ci.colton.ca.us]
Sent: Monday, February 01, 2016 4:59 PM
To: Tom Barnes
Cc: Bill Smith; Mark Tomich; David Kolk; Reggie Torres
Subject: Draft EIR for the Sterling Natural Resource Center

Dear Tom,

The City of Colton appreciate the opportunity of giving us a chance to comments for the Draft EIR for the Sterling Natural Resource Center. Below is our comments:

- Since the project will divert 6 MGD of water from RIX that is owned and operated by Cities of Colton and San Bernardino, is there any impact to the operation of the RIX plant? We understand that there might be an impact to the habitat of the Santa Ana sucker fish. 1

Please feel free to contact me if you need additional information.

Thanks,

Victor Ortiz, P.E.
Engineering Superintendent/City Engineer
Public Works Department
City of Colton
160 South 10th Street
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City of HIGHLAND Inc. 1987

February 1, 2016

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

Via Email @ tbarnes@esassoc.com

Subject: Draft Environmental Impact Report Comments concerning the Sterling Natural Resource Center

Dear Mr. Barnes:
The City of Highland appreciates the opportunity to review and comment on the subject DEIR for the Sterling Natural Resource Center. The following comments are for your consideration.

The City's letter dated November 16, 2015 related to the Notice of Preparation noted the City's request to include a General Plan Land Use Map and Zoning Map Amendment from Business Park (BP) to Public/Quasi-Public (P/Q) District. However, the subject DEIR Section 3.10, Land Use and Planning (pages 3.10-1 to 3.10-2) and Section 3.10.3 Impacts and Mitigation (pages 3.10-10 and 3.10-11) include excerpts from the City's General Plan and Municipal Code concluding that the Sterling Natural Resource Center would be substantially consistent with the existing Business Park (BP) Zoning District designation.

Further the DEIR page 3.10-11 cites Government Code 53091 (building and zoning ordinances) and 53095 (General Plan Consistency) to support an exemption from a local General Plan Consistency finding.

Please note that the City of Highland's Land Use and Development Code (Municipal Code Chapter 16) operates under the principals of permissive zoning, meaning that any land use not specifically authorized or identified in the zoning code is prohibited. That being the case, the DEIR incorrectly interpreted the Sterling Natural Resource Center (with all its components) to be compatible with the City's Business Park Zoning District which only permits the *office component* of the Sterling Natural Resource Center project. As suggested in the City's NOP letter dated November 16, 2015, the Public/Quasi-Public Zoning Designation would the compatible zoning district due to the fact that all components of the Natural Resources Center are listed within the P/Q Land Use Table (Table 16.12.020.A). The P/Q Land Uses Table is attached for your consideration with asterisks (*) to highlight the specific uses compatible with the Natural Resource Center project (with all its components). 1

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Tel: (909) 864-6861 • Fax: (909) 862-3180 • Web: www.cityofhighland.org

The City suggests that the DEIR be modified to reflect that the existing Business Park Zoning District only permits the office component of the Natural Resource Center project and that the City's Public/Quasi-Public Zoning District would be the more appropriate zoning designation. In regards to Government Code 53091 (building and zoning ordinances) and Government Code 53095 (General Plan Consistency), it is the City's hope that we can work collaboratively in the review and approval of street improvement plans and construction permits for facilities open to the general public, and to amend the City's General Plan and Zoning Map from Business Park (BP) to a Public/Quasi-Public (P/Q) Zoning Designation. 1

Should you have any questions concerning the City comments, please contact me at (909) 864-8732, Ext. 215 or email me at lmainez@cityofhighland.org.

Sincerely,

Lawrence A. Mainez
Community Development Director

Att:

Cc: Joseph Hughes, City Manager
Ernie Wong, Public Work Director/City Engineer
Kim Stater, Assistant Community Development Director
Craig Steele, City Attorney (Richard/Watson/Gershon)

Brownstein Hyatt Farber Schreck

February 4, 2016

Michael T. Fife
Attorney at Law
805.882.1453 tel
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MFife@bhfs.com

VIA E-MAIL TBARNES@ESASSOC.COM

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

RE: DEIR Comments - Sterling Natural Resource Center

Dear Mr. Barnes:

Our office has received a copy of the Draft Environmental Impact Report for the Sterling Natural Resource Center. We represent the City of Rialto with respect to its wastewater change petition currently pending before the State Water Resources Control Board (SWRCB), and submit these comments on behalf of Rialto.

Recycled water is a critical resource in the face of continuing drought and ever increasing restrictions on the availability of imported water. The Santa Ana Watershed has been at the forefront of water recycling in the State and its efforts have been lauded by numerous agencies including the SWRCB. Both the local region as well as the State as a whole have a strong interest in promoting the greatest amount of water recycling as possible.

The DEIR examines a water recycling project that will result in the cessation of discharge of approximately 6 MGD of treated wastewater to the Santa Ana River (SAR) from the City of San Bernardino's Rapid Infiltration and Extraction (RIX) facility. The DEIR analysis finds that the cessation of 6 MGD will not cause harm to biological resources of the SAR. The DEIR further finds that cessation of discharges of even as much as 12 MGD will not necessarily harm biological resources of the SAR. The DEIR identifies four Rialto wells as potential sources of supplemental water that can be used to mitigate any unforeseen impacts.

Rialto's wastewater change petition also requests the ability to cease the discharge of 6 MGD to the SAR. Rialto supports the analysis of the Sterling DEIR as it is consistent with our analysis to the extent that at least 12 MGD, if not more, of wastewater can stop being discharged to the SAR without causing harm to biological (and other) resources. Rialto also concurs in the finding that management tools exist, such as the use of Rialto's wells, that can mitigate potential unforeseen impacts.

Please further describe the interaction between the groundwater underlying the four Rialto wells identified in the DEIR and the SAR, in order to confirm whether the water pumped by these wells is supplemental water rather than part of the baseflow of the SAR.

1

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main 805.963.7000

Rialto looks forward to continuing to work with the parties in the Santa Ana Watershed to develop an approach acceptable to all parties to best promote water recycling in the region.

Thank you for the opportunity to comment on the DEIR.

Sincerely,

Michael T. Fife

MXF:olr

cc: Robert Eisenbeisz, PE – Director of Engineering, City of Rialto

CITY OF RIVERSIDE

City of Arts & Innovation

February 1, 2016

Mr. Tom Barnes
Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

RE: STERLING NATURAL RESOURCE CENTER, DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTS

Dear Mr. Barnes:

The City of Riverside, through its Public Utilities Department (RPU), has reviewed the Sterling Natural Resource Center's Draft EIR, and requests that several items be addressed prior to issuing a Final EIR so that RPU can fully understand the scope and potential impacts of the proposed project. RPU looks forward to working with San Bernardino Valley Municipal Water District (Valley District) and East Valley Water District (EVWD) to address our concerns.

Background
RPU provides domestic water service to approximately 320,000 from 50 active potable wells. RPU is entirely dependent on groundwater resources and became imported water independent in 2008, following construction of its John W. North Treatment Plant located in the Riverside North Basin. RPU has established water extraction rights in the Bunker Hill, Rialto-Colton, Riverside North, and Riverside South groundwater basins through the Western-San Bernardino Judgment.

Project Understanding
The Sterling Natural Resource Center is a project which plans to discontinue sending wastewater to San Bernardino's Water Reclamation Facility and the RIX facility, and begin treating this wastewater and future demands at a newly constructed 10 MGD facility located at North Del Rosa Drive in the City of Highland. The tertiary treated wastewater would be conveyed to one of three discharge locations: City Creek, East Twin Creek spreading grounds, and/or the Redlands basins. The City Creek discharge would be implemented such that all discharges would fully infiltrate prior to reaching the confluence with the Santa Ana River.

Project Concerns
Impacts to Gage Wells and Future Groundwater Extractions
As expressed in our NOP comment letter, RPU owns 16 Gage Canal Company wells in the Bunker Hill Basin which are used for potable supply. The most northeastern Gage wells are 46-1R and 56-1, which are located approximately 3 miles downstream of the Redlands ponds and 2 miles downstream of City Creek's confluence with the Santa Ana River. RPU is concerned that the proposed project could have an adverse impact to our wells and in our NOP comment letter, requested that a study be completed to demonstrate to RPU and the Division of Drinking Water (DDW) that no adverse impacts would occur. No such study has been presented to RPU and our concerns remain the same. 1

Mitigation Measure HYDRO-2 was proposed to implement a groundwater monitoring program to characterize the effects of the proposed discharge. If a beneficial use of the groundwater were to become adversely affected by the new effluent discharge, the measure proposed to modify the plants treatment, modify the well screen or provide compensation through replacement of the affected well(s) or through replacement water. While a groundwater monitoring program is an important aspect of the proposed project, this mitigation measure proposes solutions to remedy an impact after it has occurred and been identified. RPU needs to know in advance if an impact will occur and requests that a study be completed and shared with RPU and DDW to determine if any adverse impacts will occur to RPU's groundwater wells. In the event the analysis was flawed and an impact was to occur, RPU would expect Valley District to discontinue discharging until the problem at the treatment plant was resolved; and does not accept this mitigation measure as an appropriate solution to resolve any unidentified impacts. 2

In addition to our existing Gage wells, RPU is also concerned that the proposed project could prevent future potable production from occurring at some of our vacant properties located east of our existing wells, as described in our NOP comments. These parcels include the exclusive right to develop water from them. Our concern was not addressed in the DEIR and RPU requests that a study be completed to inform RPU if the groundwater beneath our property will be adversely impacted by the project such that it would prevent future potable use, and that as a mitigation measure; Valley District agree to create a MOU with RPU that describes appropriate solutions to remedy the potential impact. 3

Possible Impacts to Riverside Basin Wells and the Riverside North ASR Project
Mitigation measure HYDRO-5 states that Valley District would prepare an Operational Manual for City Creek Discharges where the discharge would be conveyed to other discharge basins to avoid contributing to flood flows in City Creek during peak flow periods. As stated in the DEIR, RPU assumes that the new City Creek discharge will fully infiltrate prior to reaching the confluence with the Santa Ana River, even during storm flows. RPU owns wells downstream of the proposed project which are considered to be under the influence of surface water, and would be adversely impacted should effluent reach this area. In addition to our wells, the planned Riverside North Aquifer Storage and Recovery Project could also be impacted if City Creek discharges were to mix with storm flows and reach the Colton Basin. Please confirm that the Operational Manual for City Creek Discharges will ensure that under all conditions (dry weather to varying degrees of storm flow), the proposed City Creek effluent discharges will always remain above the confluence with the Santa Ana River; and that the Operational Manual include a Contingency Plan should the effluent reach beyond the confluence with the Santa Ana River. 4

Possible Impacts to RPU's Blending Capacity and Wastewater Discharges
RPU treats its 50 active potable wells by blending all of the sources at the Linden and Evans Reservoir before entering our distribution system. Groundwater produced from our Gage wells and other wells located in the Bunker Hill B Management Zone, produce some of our lowest TDS concentrations; and are extremely helpful in blending down RPU's total water supply.

The DEIR states that "anticipated TDS concentrations in the effluent would be similar to existing groundwater concentrations and within the identified assimilative capacity of the groundwater quality objective." As of 2012, the assimilative capacity for TDS in Bunker Hill B is 70 mg/L. Should Valley choose to utilize assimilative capacity; this would imply that the planned effluent discharges would have a greater TDS concentration than the current ambient concentration and thus increase current concentrations. While the utilization of assimilative capacity may be permitted by the Regional Board, the TDS increase could have an adverse impact to the City of Riverside by increasing TDS concentrations in some of our Gage Canal Company wells and reducing our blending capacity. As a result of potentially higher TDS concentrations within our distribution system, Riverside would become impacted at its Regional Water Quality Control Plant effluent discharges and in its ability to accept new industrial discharges from new businesses. Please provide groundwater modeling results so that RPU can analyze what if any increase in TDS concentrations will occur at the Gage wells and at other RPU wells located in the Bunker Hill B Management Zone, and at the Regional Water Quality Control Plant. 5

Violation of the Western-San Bernardino Judgment

As stipulated in paragraphs VII and VIII of the Western-San Bernardino Judgment, extractions from Colton and Riverside basin by San Bernardino County entities for use in Valley District shall not be limited. However, Valley District has certain obligations for managing the Colton and Riverside Basin within San Bernardino County which include maintaining water levels above the 1963 water level in key index wells and maintaining its agreement with the City of San Bernardino in committing to discharge 16,000 acre-feet annually of municipal effluent. As summarized from paragraph VIII (g), these provisions are to allow maximum flexibility to Valley District in the operation of a coordinated replenishment and management program, to protect Valley's interests in meeting its obligation at the Riverside Narrows and; to protect the area as a major source of groundwater supply available to satisfy the historic extractions therefrom for use within Western's District.

Cumulatively with the proposed Clean Water Factory, less than 16,000 acre-feet annually is proposed to be discharged to the river. This is a violation of the Judgment and would have an adverse impact to RPU and the entities that extract groundwater from this area for use within Riverside County. As a signatory and Watermaster to the Judgment, RPU expects Valley district to adhere to all stipulations within the Judgment. In addition, RPU expects that the 16,000 acre-foot effluent commitment will not consist of over-extracted Riverside North groundwater generated from the RIX extraction wells, treated effluent generated from Colton's discharge, or mitigation groundwater produced by Valley for use in Rialto Channel. 6

RPU recognizes the regional approach Valley is taking in managing the groundwater basins and commends Valley District for being a proactive basin manager. RPU looks forward to a healthy dialog with Valley District and to continue to learn more about the proposed project and other projects planned to occur within Valley District's Sphere of Influence. In addition, RPU also looks forward to understanding how this "new water" to the Bunker Hill Basin will be accounted for by Watermaster.

Sincerely,

Kevin S. Milligan
Deputy General Manager

KSM/TJ/cef: PUGM-016-001_DEIR Comment Letter-Sterling Natural Resource Center_02-01-2016

Inland Valley Development Agency

January 29, 2016

San Bernardino Valley Municipal Water District
C/O Tom Barnes, Environmental Science Associated
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

RE: STERLING NATURAL RESOURCE CENTER DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Barnes:

This letter is in response the Draft Environmental Impact Report (DEIR) on the proposed Sterling Natural Resource Center (SNRC) dated December, 2015. We understand that the San Bernardino Valley Municipal Water District (SBVMWD) is serving as lead agency for compliance with the California Environmental Quality Act (CEQA) and that the project is proposed to be located at North Del Rosa Drive between 5th Street and 6th Street in the City of Highland.

The Inland Valley Development Agency (IVDA) is a regional joint powers authority charged with the effective reuse of the former Norton Air Force Base in San Bernardino, California. This project includes a public-private partnership and industrial park known as Alliance-California which is home to major Fortune 100 and 500 companies, as well as a 14,000 acre base reuse project area surrounding the former Base. The IVDA is also the successor in interest to a number of former United States Air Force facilities, systems, and utilities.

The proposed SNRC is located approximately 1.4 miles north of IVDA-owned property. As an adjacent owner and operator, IVDA staff has reviewed the DEIR and would like to provide the following comments and suggestions.

1) In general, the DEIR seems to address environmental impacts and mitigation from more of a programmatic view, while what is being proposed is a site-specific development. More detail and analysis should be included to identify specific mitigation measures and management programs. Additional explanation should be provided to demonstrate that the objective can be met by the proposed project. In several areas such as biological, stormwater, geotechnical, and flood hazards, specific mitigation measures and some of the referenced technical studies are being deferred. 1
2) Specific financial and operational analyses should be provided regarding the costs for construction and on-going maintenance and operation of the facility. Cost estimates for mitigation measures and related costs should be considered in that analysis. 2

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www.sbdairport.com

3) Please provide more detail as to what odor control systems will be implemented and the expected efficiency of those systems. Assessment of potential residual odors should be provided. 3

4) Additional descriptions and analyses regarding specific locations of proposed well sites designed to capture percolated water should be provided in relation to potential recharge sites. The DEIR references refurbishment of wells in Colton to offset losses from the RIX facility, but it does not address this project component in the analysis sections. 4

5) Additional noise and vibration information should be provided including a background noise measurement and information regarding anticipated construction and operational noise levels and mitigation. Operational emissions data should include assessment of pump stations, refitted wells, and generators, along with emissions inventory. Construction traffic trips should be considered in the traffic analyses. 5

6) IVDA has developed design and engineering plans for some of the adjacent street sections which address installation of additional utility infrastructure. The DEIR proposes several new pipelines and interconnections. This information will be made available to you to facilitate coordination and to help avoid potential utility conflicts. 6

Staff is available to discuss the project and potential solutions more specifically as the project is further developed. If you have any questions or require any additional information, please do not hesitate to contact me at (909) 382-4100.

Sincerely,

INLAND VALLEY DEVELOPMENT AGENCY

Michael Burrows
Executive Director

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

January 28, 2016

VIA EMAIL AND US MAIL

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 100
Los Angeles, CA 90017

Dear Mr. Barnes:

Notice of Availability of the Draft Environmental Impact Report for the Sterling Natural Resource Center

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Notice of Availability of the Draft Environmental Impact Report for the Sterling Natural Resource Center (SNRC). The proposed project will construct and operate a new wastewater treatment plant to provide tertiary treatment of wastewater generated in the East Valley Water District's (EVWD) service area, modify EVWD's wastewater collection facilities, and construct treated water conveyance systems for beneficial uses in the upper Santa Ana River watershed.

The proposed project includes:

- Constructing a new Treatment Facility in the City of Highland;
- Constructing a treated water conveyance system, which includes a pump station, 24-inch diameter conveyance pipelines to the Santa Ana River or one of three discharge facilities including City Creek, East Twin Creek Spreading Grounds, or the Redlands Basin;
- Modifications to the wastewater collection facilities including construction of two lift stations and foremains, as well as additional collection sewers;
- Connecting the SNRC with a 24-inch discharge pipe to the San Bernardino Water Reclamation Plant (SBWRP); and
- Refurbishing and equipping groundwater wells near the Rialto Channel.

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving approximately 18.4 million people in portions of six counties in Southern California, including Los Angeles County. Metropolitan's mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Upon review of the project location, Metropolitan has determined that the Project has the potential to impact Metropolitan's facilities including the possibility of impacting one of our feeder pipelines. Metropolitan owns and operates the Inland Feeder near the City Creek Extension. The Inland Feeder is a 144-inch inside-diameter pipeline that runs in a general north-south direction near Boulder Avenue, north of the 210 Freeway, adjacent to the proposed project area ending at City Creek. This pipeline is a critical part of our distribution system and work in the area of the pipeline will require coordination with Metropolitan. This letter contains Metropolitan's comments to the proposed project as a potentially affected public agency.

Metropolitan must be allowed to maintain its facilities in order to maintain and repair its system. In order to avoid potential conflicts with Metropolitan's facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Any future design plans associated with this project should be submitted to the attention of Metropolitan's Substructures Team. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities. 1

Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easement of The Metropolitan Water District of Southern California." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation and plans for this project. For further assistance, please contact Ms. Malinda Stalvey at (213) 217-5545.

Very truly yours,

Deirdre West, Team

By Thomas Napoli, Principal Environmental Specialist

MS:mks

J:\Environmental Planning&Compliance\COMPLETED JOBS\January2016\EPT Job No. 20160113EXT

Enclosures: Metropolitan Planning Guidelines

SINCE 1933

ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

February 1, 2016

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Blvd, Suite 1100
Los Angeles, CA 90017

Re: Draft Environmental Impact Report, Sterling Natural Resource Center, December 2015

Dear Mr. Barnes:

The Orange County Water District (OCWD, the District) is a special district formed in 1933 by an act of the California Legislature. The District manages the groundwater basin that underlies north and central Orange County. The District owns more than 2,000 acres of land in the Prado Basin and is keenly interested in projects that may affect the basin.

The Prado Basin contains sensitive environmental habitat for threatened and endangered species; essentially all of the Prado Basin is designated as critical habitat for the federally endangered least Bell's vireo. In 1995, OCWD executed an agreement with the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers to cooperatively manage biological resources in the Prado Basin. This agreement allows for temporary storage of stormwater in Prado Basin for subsequent release from the Prado Dam to enable OCWD to recharge the water into the groundwater basin. This longstanding water conservation program is contingent upon the continued health of biological resources in Prado Basin. Potential impacts to riparian habitat, the Least Bell's Vireo, and other biological resources in the Prado Basin can negatively impact OCWD's water conservation program.

In addition, OCWD owns and operates a 465-acre treatment wetlands system in the Prado Basin (OCWD Prado Constructed Wetlands). Approximately half of the Santa Ana River baseflow is diverted though these wetlands. The proposed project would increase the amount of water that is recycled in the Bunker Hill Basin and thereby decrease the amount of tertiary treated water discharged into the Santa Ana River, a portion of which flows in the Santa Ana River to OCWD Prado Constructed Wetlands.

OCWD appreciates the opportunity to comment on this proposed project. The District submitted comments on the Notice of Preparation of an EIR for this project. While the PEIR addressed a number of concerns, the District believes that some issues remain.

OCWD supports water recycling. OCWD, however, is concerned that projects to recycle water, such as the proposed project, in combination with other projects, may remove water from the Santa Ana River at a rate that leaves insufficient water in the Santa Ana River to support riparian habitat and beneficial uses in Prado Basin and other portions of the water bodies upstream of Prado Basin.

The Prado Basin Management Zone (PBMZ) is one of the largest riparian ecosystems in southern California, covering over 4,000 acres. The PBMZ is home to threatened and endangered species ("T/E species") that rely on healthy and vigorous riparian habitat. Recognizing the unique importance of this area, the Water Quality Control Plan for the Santa Ana River Basin established the PBMZ and designated the beneficial uses of Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), and Rare, Threatened or Endangered Species (RARE). Additional Beneficial Uses identified in the PBMZ in the Regional Board's Basin Plan include Agricultural Supply (AGR), Groundwater Recharge (GWR), Water Contact Recreation (REC1), and Non-contact Water Recreation (REC2). OCWD is concerned that the proposed project, in combination with other projects, may remove water from the Santa Ana River at a rate that leaves insufficient water in the river to support the beneficial uses in Prado Basin identified in the Basin Plan.

Baseflow in the Santa Ana River and its tributaries and shallow groundwater recharged by baseflow support this ecosystem. Reliable baseflow is especially critical during the growing season when T/E species are present. In recent years, there has been a significant decline in the amount of baseflow entering the PBMZ (a decline of more than 60,000 acre-feet per year since 2005, as documented in the Santa Ana River Watermaster Annual Report dated April 30, 2015).

Vegetation comprising the riparian habitat in the PBMZ is dominated by native trees such as black willow and Freemont cottonwood. These species are phreatophytes, which are plants that rely on direct access to flowing water or shallow groundwater for survival. Reductions in flowing water and lowering of the groundwater table can adversely affect the health and vigor of phreatophytes and, in turn, degrade riparian habitat for T/E species and beneficial uses in the PBMZ.

OCWD has recently observed and documented areas in the PBMZ where riparian habitat has degraded in recent years, potentially as a result of declines in baseflow and associated groundwater levels. In August 2015, OCWD commissioned a team of plant and restoration ecologists and water resource engineers to prepare an assessment of Prado Basin. A report prepared by Stetson Engineers, dated October 26, 2015 and included as Attachment 1, presents the results of this assessment. Several areas in the PBMZ were observed where riparian habitat showed signs of distress, such as leaf senescence, branch sacrifice, and crown dieback. A number of dead Fremont cottonwood trees and black willow dieback were observed. The team found indications of potential conversion from obligate

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(phreatophytic) riparian habitat to riparian scrub in some areas. Measurements were taken of surface flow and depth to groundwater. Hydrologic conditions, including inadequate surface flow and depressed groundwater levels, appeared unsuitable to support healthy and vigorous riparian habitat. These observations are consistent with lowering of groundwater levels and reductions in surface flows.

Further reductions in baseflow, such as that which would result from the proposed project, could potentially cause commensurate reductions in water supply to riparian habitat resulting in further degradation and conversion to drier scrub habitat. Current and foreseeable future actions in the upper Santa Ana River watershed are anticipated to cumulatively and significantly reduce baseflow entering the PBMZ and lower groundwater levels even further. The information developed in this assessment is not conclusive but it is highly suggestive and supportive that further reductions in recycled water discharges have the potential to harm riparian habitat in the PBMZ.

Regarding future flow rates in the Santa Ana River, estimates of future flow rates have been prepared by the Santa Ana Watershed Project Authority (SAWPA) and other entities. It is important to note that with respect to riparian habitat health, the seasonal aspect of the flow rate must be considered, not just the annual flow rate. Riparian plants need water in the hot summer months. If there is plenty of water in the winter but not enough in the summer, the riparian vegetation is at risk. Wildermuth Environmental, Inc. (WEI) created a 50-year daily inflow hydrograph at the Prado Basin for estimated year 2021 and year 2071 conditions using the Waste Load Application Model (WLAM). This work builds on the 2020 Prado Basin hydrograph generated for SAWPA in 2009 and more recently for the OCWD in 2012. The modeled hydrograph developed by the WLAM incorporates future land use conditions, flood control, recycled water discharge, and water conservation practices in the watershed tributary to the Prado Basin. The attached report (included as Attachment 2) from WEI dated January 24, 2014 provides background information on the WLAM, a summary of the 2021 and 2071 planning assumptions, and presents the Prado Basin daily inflow hydrographs for 2021 and 2071 conditions. It is important to note that the 2071 condition is so named since it has assumed 2071 land use, but this condition could occur in approximately 15 to 30 years.

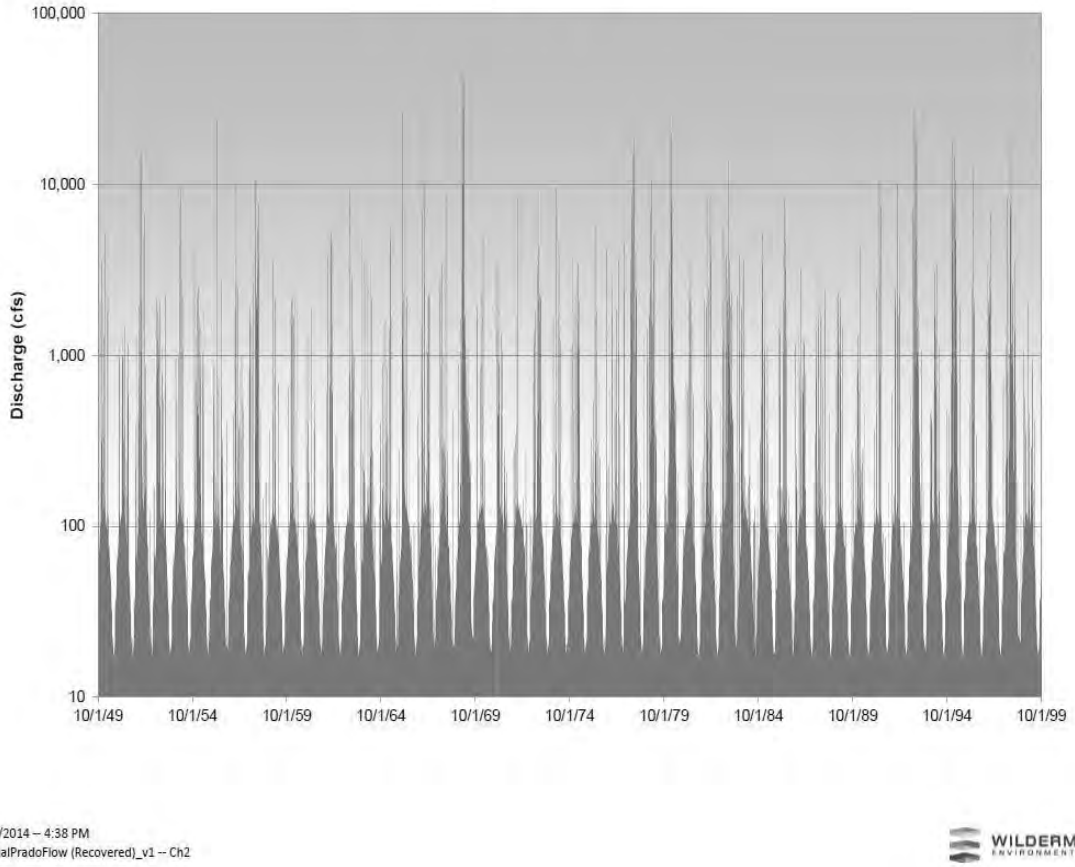
The significance of the WEI January 24, 2014 model report is that it illustrates how low surface water flow into Prado Basin is estimated to decrease in the future. As shown in the figure below, identified as Figure 7 in the WEI model report, the estimated summer-time flow into Prado Basin is in the range of 15 to 18 cubic feet per second (cfs). This value includes the total inflow to Prado Basin, including from the Santa Ana River, Chino Creek, Mill Creek, and Temescal Creek. In this estimated condition, the minimum baseflow requirements for the 1969 Santa Ana River Judgment are satisfied, but the summer-time flow rate is likely too low to support riparian habitat in Prado Basin.

1

For illustrative purposes, if it is assumed the water demand of riparian habitat in Prado Basin is 4.11 acre feet per acre per year and this water demand occurs during the warmest six months of the year, then the monthly water demand in the warmest six months is 0.685 feet per month (per unit area). Assuming there are 6,000 acres of riparian habitat in Prado Basin, then during the warmest six months the total water demand is 4,110 acre feet per month. If the inflow to Prado Basin is 15 cubic feet per second, within the range estimated in the WEI report (as shown in the figure below), then the estimated surface flow into Prado Basin is 894 acre feet (assuming 30 days per month). The value of the water demand of 4,110 acre feet per month is much greater than the surface inflow of 894 acre feet per month. While some of the deficit could be made up by shallow groundwater, shallow depth to groundwater is maintained to some degree by surface inflow (see Attachment 1). Additionally, there are on-going management activities in the Chino Basin that can affect groundwater levels in Prado Basin (see Attachment 1). Suffice to say, this example demonstrates the potential for insufficient quantities of water to sustain riparian habitat during the warmest parts of the year.

1

Figure 7
Daily Inflow to Prado: 2071 Conditions



Source: Wildermuth Environmental, Inc., January 24, 2014

The cumulative analysis for the proposed project is very important, since the proposed project needs to be evaluated in light of the other proposed projects in the watershed. The following projects, at a minimum, should be included in the cumulative impact assessment with respect to reduced flow in the Santa Ana River or its tributaries and impacts to riparian habitat:

- Projects in the proposed Upper Santa Ana River Habitat Conservation Plan
- Inland Empire Utilities Agency recycled water projects
- Chino Basin Watermaster Recharge Master Plan (including stormwater diversion projects)
- County of San Bernardino Flood Control District stormwater diversion projects
- Riverside County Flood Control District stormwater diversion projects
- City of Corona recycled water projects and stormwater diversion projects, including diversions of stormwater from Temescal Creek and its tributaries
- City of Riverside recycled water projects
- City of Colton recycled water projects
- City of Rialto recycled water projects
- City of San Bernardino recycled water projects, including the Clean Water Factory project
- San Bernardino Valley Municipal Water District stormwater diversion projects
- San Bernardino Valley Municipal Water District/Western Municipal Water Districts stormwater diversion projects, including water conservation at Seven Oaks Dam
- Western Riverside County Regional Wastewater Authority Water Recycling Project (Wastewater Change Petition WW-0067)
- Eastern Municipal Water District recycled water projects, including reduced discharges to Temescal Creek
- Elsinore Valley Municipal Water District recycled water projects

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Thank you for the opportunity to submit these comments.

Sincerely,

Michael R. Markus, P.E., D.WRE, BCEE, F.ASCE
General Manager

Attachments: Preliminary Assessment of Hydrologic Conditions Related to Riparian Habitat Health and Vigor in the Prado Basin Management Zone, Stetson Engineers Inc., October 26, 2015

Prado Basin Daily Discharge Estimates for 2021 and 2071 Using The Wasteload Allocation Model, Wildermuth Environmental Inc., January 24, 2014

Comment Letter SBCDPW

825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.8109 Fax: 909.387.7876
www.SBCounty.gov

SAN BERNARDINO COUNTY

Department of Public Works
Environmental & Construction • Flood Control
Operations • Solid Waste Management
Surveyor • Transportation

Gerry Newcombe
Director

February 1, 2016

San Bernardino Valley Municipal District
Attn: Tom Barnes
Environmental Science Associates
626 Wilshire Blvd., Suite 100
Los Angeles, CA. 90017
tbarnes@esassoc.com

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE STERLING NATURAL RESOURCE CENTER FOR THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

Dear Mr. Barnes:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on December 17, 2015** and pursuant to our review, the following comments are provided:

1. The City Creek Discharge Alternative as described on page 2-15 does not offer enough detail on how the water is to be discharged into the Creek; it does not indicate the probable resulting wetted area within the creek or ponding method (if any). Also, the new water source will prompt a biological conversion change as described elsewhere in the report but it does not describe how the new vegetation will be managed so that the hydraulic capacity of the system is maintained. 1

2. The proposed turnout into Twin Creek Basin is proposed within a levee section. These facilities (levees) were constructed by the US Corps of Engineers and require a 408 permit and must also meet FEMA design criteria. Also, additional information is needed on the anticipated improvements within the basins on how the imported water will be stored for percolation. It is likely that the cross dikes will need to be repaired and that is not outlined in the document. Also, the report should address the likely additional needed maintenance in the system for both the recharge and the flood control capacity. 2

3. Page 6-19 discusses Alternative 4 which proposes to drain into a future San Bernardino County Flood Control District (District) basin within Plunge Creek. There is not a planned facility proposed by the District at this time. Also, the overall project exhibits do not indicate where this basin is at or what the impacts are. 3

4. Page 3.4-57 states that there is a proposal to "increase habitat availability" in Rialto Channel by furnishing cool freshwater into the system. This is not a natural condition for this channel and 4

may increase vegetation and decrease channel capacity and decrease the District's ability to construct needed future improvements. 4

5. The primary function of the District's facilities that the project will impact is to provide flood protection during storm events. Introduction of perennial water flows would encourage the growth of vegetation which will result in reducing the capacity of these facilities. The proposed project shall ensure that the flood protection function of the District's facilities is not compromised. 5

6. Any work within the District right-of-way will require a permit from the District's Permits/Operation Support Division, Permit Section and may require easements. Other on-site or off-site improvements may be required which cannot be determined at this time. 6

7. SBVMWD will be responsible for any vector control and vegetative management issues caused by the discharge. 7

8. Any proposed connections to, or work on, District land, will require a permit from the Permits Division. 8

9. Within the Summary of Impacts and Mitigation Measures, pages ES-8-10, and more specifically ES-10, describes mitigation measures to offset impacts to biological resources. Unless specifically authorized by the District and the County of San Bernardino Board of Supervisors, District land is not to be offered/used as mitigation for any agency other than the District. 9

10. City Creek is an improved flood control system designed to provide 100 year flood protection for thousands of residents. The introduction of trees will impair the system's ability to convey the required storm flows. Also, City Creek is designated as critical habitat because it is a source of gravel that the Santa Ana Sucker (SAS) needs downstream. The introduction of trees and the establishment of riparian vegetation, where it has not historically existed, may impede the ability of the system to convey the gravels downstream and will have an impact on the overall geomorphology of the system. 10

11. Page ES-10 BIO-3: Disturbance to SAS discusses measures to reduce potential project related impacts to avoid, minimize and compensate for impacts to the SAS while contributing to the long-term conservation of the species. It appears that the proposed mitigation measures may and will occur within District land. While the District is a partner in the Habitat Conservation Plan, this in no way allows for other agencies to utilize District land for mitigation. 11

12. We are concerned regarding the proposed type conversion of Riversidean alluvial fan sage scrub (RAFSS) to riparian/mulefat scrub.

    - The District is concerned regarding the proposed discharge locations identified by Figure 2-7 a, Boulder Avenue Potential City Creek Discharge Location, Figure 2-7 b, 5th Street Potential City Creek Discharge Location and Figure 2-7 c, Baseline Street Potential City Creek Discharge Location. These locations are vegetated with RAFSS, and known to be occupied by San Bernardino Kangaroo Rat (SBKR), Santa Ana River woolly star (SAWS) and many other sensitive species. Type conversion of RAFSS to riparian habitats such as mulefat or willow scrub vegetation, due to the constant unseasonable runoff would make the habitat unsuitable for SBKR and SAWS, increasing the project impacts for these species and habitat including long term effects. 12 13

- The District is concerned regarding the statement on 3.4-43, which specifically states "Discharge into City Creek will gradually replace, through type conversion, an inset channel portion of the existing alluvial scrub habitat within the ephemeral wash to riparian vegetation responding to perennial flows." The document is not clear how the project proponent proposes to significantly impact an existing habitat occupied by multiple listed species to the benefit of another? SAS is found in several other large drainage systems, whereas SBKR is found within only the Santa Ana Water Basin region. 13

- RAFSS is listed as part of the scale broom series within Sawyer, Keeler-Wolf and Evens A Manual of California Vegetation, Second Edition. This is a distinctive and rare plant community found mainly on the alluvial fans and floodplains emanating from the coastal side of the Transverse Ranges (Barbour, M.G. and J. Wirka. 1997. Classification of Alluvial Scrub in Los Angeles, Riverside, and San Bernardino Counties). Should the project proponent apply and be granted an encroachment permit from the District property to construct the proposed project, the District will require the project proponent to acquire long term maintenance permits from the regulatory agencies for the project proponent to maintain the riparian vegetation ensuring Flood Control requirements are met. 14

13. Section 2.4.4 Santa Ana River Pipeline discusses how the existing pipeline would be relined with HDPE, PVC or similar liner. The section discusses some segments within the San Bernardino International Airport Authority property may have been removed. This area is known to be occupied by burrowing owl, SAWS and SBKR and the repair of this section of pipeline could have significant impacts. This document does not address the impacts to these species and proposed mitigation measures. 15

14. Page 2-33, Section 2.6 states "End uses for recycled water would include groundwater replenishment and habitat enhancement within City Creek or Santa Ana River." Both of these drainages are owned and maintained by the District. Any habitat enhancement offered as mitigation or otherwise must be authorized by the District prior to making any assurances to the regulatory agencies or the general public. As stated in previous comments, District land is not to be utilized as mitigation for any agency other than the District. 16

15. Page 3.4-52 discusses how, in the absence of a fully executed Upper SAR HCP, Mitigation Measure BIO-3 commits Valley District to the preparation and implementation of a SAS Habitat Monitoring and Management Plan (HMMP). The DEIR should address several other species other than SAS and proposes to obtain approval from United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). We are concerned a SAS HMMP will be lacking in addressing the minimization and mitigation measures for the other species and habitats. 17

16. The HMMP proposed on Page 3.4-57 to address impacts to SAS includes the following mitigation measures: SAS-1: Microhabitat Enhancements, SAS-2 Aquatic Predator Control Program, SAS-3 Exotic Weed Management Program and SAS-4 High Flow Pulse Events would all occur on District property. While the District is a partner in the Habitat Conservation Plan, this in no way allows for other agencies to utilize District land for mitigation. 18

17. Page 3.4-58 discusses the Implementation of Mitigation Measure BIO-1 would ensure that impacts to listed plants such as slender-horned spineflower (*Dodecahema leptoceras*), Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*) are avoided where feasible and 19

appropriately compensated through consultation with the CDFW and USFWS. As the project is proposing to type convert RAFSS to riparian, this mitigation measure would need to address permanent impacts to these species as the habitat would be left unsuitable. Furthermore, this mitigation measure, nor this document, addresses project impacts, both temporary and permanent to SBKR. 19

18. Page 3.4-64 states, "Additionally, the operational requirement of the project could contribute to the long-term conservation goals of the Upper SAR HCP for Santa Ana sucker by discharging water back into City Creek which would support riparian habitat growth." As stated in our previous comments, the type conversion of RAFSS to riparian is a significant impact. The District was led to believe the HCP was for multiple species, not just the SAS. 20

19. Mitigation Measure BIO-2 discusses the relocation of sensitive species within the immediate construction zone, including silvery legless lizard, orange-throated whiptail, coastal whiptail, San Bernardino ring-necked snake, coast horned lizard, two-striped garter snake, Cooper's hawk, tri-colored blackbird, Southern California rufous-crowned sparrow, California horned lark, yellow-breasted chat, loggerhead shrike, yellow warbler, Lawrence's goldfinch, pallid bat, northwestern San Diego pocket mouse, western mastiff bat, western yellow bat, San Diego black-tailed jackrabbit, San Diego desert woodrat, Los Angeles pocket mouse, and American badger. We are concerned that the relocation of these animals is not feasible, let alone the disturbance to adjacent habitat would be a further impact. 21

20. Mitigation Measure BIO-3 would include measures to reduce invasive vegetation in the river corridor. As stated above, this mitigation may not occur within District lands. 22

21. Specific mitigation proposed on property which is not under direct control of the applicant is not necessarily meeting the 'feasible" mitigation definition under CEQA. In addition, potential significant impacts resulting from implementation of a mitigation measure must be fully discussed, disclosed and minimized. 23

22. Installation and Maintenance of the proposed project would need to be reviewed and addressed by both the District's and Transportations Operations Divisions to ensure public facilities are not compromised, impeded, or disrupted to fulfill their required purpose. 24

If you have any questions, please contact Patrick Egle, Associate Planner, at 909-387-1865 or email at Patrick.Egle@dpw.sbcounty.gov.

Sincerely,

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

NAA:PE:sr

cc: Kevin Blakeslee, Deputy Director, Flood Control
Annesley Ignatius, Deputy Director, Land Development and Construction

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SAN BERNARDINO COUNTY

Regional Parks

MAUREEN A. SNELGROVE
Interim Director

January 4, 2016

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 100
Los Angeles, CA 90017

NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE STERLING NATURAL RESOURCE CENTER

San Bernardino County Regional Parks has no comments regarding the Draft EIR for the Sterling Natural Resource Center.

Sincerely,

Maureen A Snelgrove

MAUREEN A. SNELGROVE
Interim Director

SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
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February 1, 2016

Via Electronic Mail
San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017
tbarnes@esaassoc.com

Re: Sterling Natural Resource Center (SNRC) Project: Draft Environmental Impact Report

Dear Mr. Barnes:

On behalf of the City of San Bernardino Municipal Water Department (SBMWD), we provide the following comments on the Draft Environmental Impact Report (DEIR) for the Sterling Natural Resource Center (Project). These comments also include concerns regarding the Project itself. SBMWD supports the goal of increasing recycled water use within the region, but it has many unanswered questions about the Project and its potential impacts. The Project as proposed requires SBMWD's approval and cooperation to implement, including use of SBMWD's pipeline, easements/rights of way, and points of discharge. It has the potential to impact SBMWD's adherence to its contractual obligations to maintain 16,000 acre-feet annually (afy) of effluent discharges to the Santa Ana River. Further, the Project has the potential to compromise the SBMWD's long-pending Clean Water Factory project, and increase the operational burden and cost, as well as regulatory risks, to the SBMWD. The Project also appears to duplicate services without corresponding local or regional benefits. Accordingly, SBMWD requests more information and clarification about various aspects of the Project and areas of potential operational and environmental concern. 1

I. Project Purpose and Objectives

SBMWD is concerned the Project could increase costs for City of San Bernardino (City) residents within East Valley Water District (EVWD) without commensurate benefit. The DEIR states that the Project will provide the community with greater control over the cost of wastewater treatment. (DEIR at pp. ES-1, 1-1, 5-4.) A more accurate statement would be that EVWD (or San Bernardino Valley Municipal Water District 2

(Valley District), however Project administration is established) would have greater control over the cost of wastewater treatment. It seems reasonable to assume the cost for wastewater treatment will be higher for EVWD customers when compared with the current arrangement, due to the technologies proposed and economies of scale. Rates could increase to cover the costs of this new treatment facility, yet City residents may not receive any of the benefits of the facility. 2

II. Project Description

The DEIR does not provide sufficient information about the Project for the SBMWD to evaluate its environmental impacts or how it would affect SBMWD operations and liability. 3

Design

Page 2-6: Please clarify the proposed Project design flow: Will the Project treat all EVWD wastewater or only average dry weather flow? What portion of untreated wastewater, if any, is assumed to continue to be treated by the SBMWD's Water Reclamation Plant (WRP)?

Page 2-23, Section 2.4.3: The method of wastewater diversion is important and should be clarified to ensure that pertaining solids also are diverted. Please provide more information about the design of the proposed 5.4 million gallons per day (mgd) lift station. Does the 5.4 mgd represent average dry weather flow, average wet weather flow, and/or average daily flow? What is the peaking factor included in the preliminary design? 4

The DEIR states that in the event of a Rapid Infiltration and Extraction (RIX) facility shutdown, SNRC effluent would be diverted to the RIX facility to maintain Santa Ana River flows. However, in the event of a RIX facility shutdown, discharge to the river does not occur. 5

Biosolids Offloading and Dewatering

On page 2-11, the DEIR states that proposed practices are "consistent with current biosolids reuse and disposal practices from the RIX facility." Biosolids are not generated or disposed at the RIX facility. They are generated at and disposed from the WRP. WRP biosolids are co-composted by Nursery Products in Southern California. 6

Supplemental Water Wells

Page 2-33: Not enough information is provided for SBMWD or the general public to understand this component of the Project or its potential impacts. What is the quality and temperature of the groundwater proposed for discharge to the Rialto Channel? How does the quality and temperature compare to existing water quality and temperatures in the channel? To what extent could supplemental flows reduce temperatures in the channel? How far would the well water travel in the storm drain before being discharged to the Rialto Channel and would it still be cool upon discharge? Finally, the DEIR does not identify that this Project aspect would require its own National Pollutant Discharge Elimination System (NPDES) permit. 7

Santa Ana River Pipeline

The Project and DEIR assume that the Project would utilize SBMWD facilities and property including the Santa Ana River (Alabama Street) pipeline. The Santa Ana River pipeline has been identified for SBMWD use in SBMWD's 2005 Reclamation Feasibility Study and SBMWD's Clean Water Factory project. The Project's proposed use of the Santa Ana River pipeline appears to be inconsistent with the City's long-planned use of that facility for its Clean Water Factory project. Project use of the pipeline may also result in unacceptable cost, permitting and operational uncertainty, and potential liability, with no benefit to the SBMWD. Use to support the Project would require extensive coordination and approval by SMBWD, including some or all of the following: 8

- Possible adjustment of SBMWD's source control program;
- Reserving capacity in the RIX pipeline and the RIX facility;
- Modification, and additional pipeline, in the WRP to convey SNRC effluent to the system that conveys to the RIX.
- Modification of operations: This element has critical implications for the WRP operations due to the requirement of maintaining a 20:1 dilution ratio, the relationship to the RIX facility capacity, etc.
- Amending the WRP NPDES permit to allow the Project's wastewater to be discharged at the WRP;

- Amending the RIX NPDES permit to allow the Project's wastewater to be discharged at the RIX;

- Assumption of liability for discharging commingled effluent, which includes the effluent from SNRC's facility, of which SBMWD has no control.

The list of required approvals (Table 2-9, page 2-34) should include the following approvals required to support use of the Santa Ana River pipeline:

- Approval to install a pipeline and flow control structures at the WRP.

- Agreement to maintain reserve capacity in the secondary effluent pipeline between the WRP and RIX.

- Reservation of standby capacity at the RIX facility.

- Amendment of the WRP NPDES permit.

- Amendment of the RIX NPDES permit.

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III. Environmental Impact Analyses

Biological Resources

The DEIR's determination that Project impacts to Santa Ana suckers from the RIX facility discharge reduction would be "significant and unavoidable" seems overly conservative in light of the DEIR evidence and impact analysis. Notably, the DEIR states that the Project will not result in adverse modification to critical habitat and "would benefit the aquatic habitat through quality enhancements compared with existing conditions." (DEIR at p. 3.4-55.) If Valley District proceeds with the Project, the impact conclusion should be revised in the final EIR to more accurately reflect the analysis, as well as other recent evidence relating to the effect of flow reductions on the Santa Ana sucker, including SBMWD's Flow Study prepared for the Clean Water Factory EIR (provided to Valley District in December 2015 following release of SNRC DEIR).

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The DEIR includes a mitigation measure requiring release of high flow pulses in coordination with the City. (Mitigation Measure BIO-3, SAS 4, DEIR at p. 3.4-57.) Insufficient information is provided to assess the feasibility and effect of the proposal to provide "high flow pulse events." What is the basis for the determination that two high

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flow pulse events per year are appropriate? Also, this mitigation requires a cooperative agreement with SBMWD. What alternative is proposed if an agreement cannot be reached? 10

At page 3.4-48, entitled *Operational Impacts*: Contrary to the DEIR's statement, Santa Ana suckers do not spawn in the RIX facility discharge. There are too many predators and too much water to support spawning. Spawning takes place in the Rialto Channel. 11

Hydrology & Water Quality

Groundwater quality is of substantial concern to SBMWD. The DEIR does not adequately evaluate impacts to groundwater quality, and SBMWD does not believe that the proposed mitigation is adequate to avoid significant impacts. The Project will result in substantial increases in total dissolved solids (TDS) in groundwater, which creates the potential for both direct and indirect significant adverse effects on municipal water treatment and supply, as well as wastewater discharge.

The DEIR lacks evidence to support its conclusion that "[a]nticipated TDS concentrations in the effluent would be similar to existing groundwater concentrations and within the assimilation capacity of the groundwater objective. As a result, the discharge to City Creek, East Twin Creek Spreading Grounds, or the Redlands Basins would not increase TDS concentrations in the underlying groundwater." (DEIR at p. 3.9-22.) In fact, TDS concentrations in effluent will likely be substantially higher than existing groundwater concentrations. TDS levels in source water range from 247-284 parts per million (ppm), and after potable use, TDS levels in wastewater influent are 110-205 ppm higher. The SNRC's proposed treatment will not remove salts, resulting in effluent with TDS levels likely ranging from 357-412 ppm, well above Basin Plan objectives and assimilative capacity. 12

The Bunker Hill Basin groundwater management zones have background TDS levels of 310 ppm for the A Zone, which has no assimilative capacity, and 330 ppm for the B Zone, which has only a small amount of assimilative capacity. Discharge at the TDS levels likely to be present in SNRC effluent will exceed available assimilative capacity and adversely effect groundwater quality and beneficial uses. Higher levels of TDS in groundwater that is proposed for recycling have the potential to compound over time, resulting in increasingly salty groundwater, thus adversely affecting domestic supply and making it harder for wastewater treatment facilities to meet effluent limitations. 13

Given these circumstances, SBMWD believes the Regional Water Quality Control Board (RWQCB) cannot make the required antidegradation analysis findings. In any event, the RWQCB's future consideration of discharge requirements does not answer the question of whether the Project will result in a substantial adverse change in groundwater quality. The RWQCB's antidegradation analysis allows for the RWQCB to authorize discharge that results in substantial degradation based on other, non-environmental factors (e.g., economic or other benefit). The Valley District has a separate and distinct obligation under the California Environmental Quality Act to evaluate and disclose the potential *environmental* impacts associated with an exceedance of water quality objectives and assimilative capacity. 14

Mitigation HYDRO-2 proposes to address groundwater quality impacts through "treatment modifications" or compensation by providing a replacement well or water. The DEIR provides no explanation of the type or feasibility of treatment modifications that would occur, or how the timing of any modifications would relate to discovery of impacts. Moreover, providing an alternative water supply is not legally adequate mitigation for impacts to water supply. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1117-1118.) Thus, the mitigation as currently proposed does not support the DEIR's finding that impacts to groundwater would be less than significant. 15

Finally, SBMWD is concerned about the Project's proposal to use groundwater pumped from unidentified wells to supplement flow in the Rialto Channel. No information or analysis is provided regarding the potential for this element of the Project to adversely effect groundwater levels or surface water quality, or the impact of potentially higher flow velocity on spawning and juvenile Santa Ana suckers in the channel. How was the expected stream temperature reduction analysis for the Rialto Channel conducted? The DEIR should include summer groundwater temperature data for the Rialto wells that are proposed to be used for the Project. This information is needed to demonstrate the Project's effect on channel temperatures. 16

Cumulative Impacts

The DEIR lists SBMWD's Clean Water Factory project in its list of cumulative projects, but does not actually evaluate the potential cumulative impacts of these projects on Santa Ana River flows. 17

Also, the groundwater analysis only addresses the capacity of the Redlands Basin to accommodate the SNRC project and Redlands, and omits consideration of the proposed Clean Water Factory project.

IV. Alternatives

The existing WRP and the proposed Clean Water Factory accomplish all but one of the Project objectives. Under Alternatives Not Evaluated, the "Expanded Trunk Sewer Alternative" was rejected since it "met none of the project objectives." (DEIR at p. 6-4, Section 6.1.4.4) However, SBMWD believes that all of the Project objectives actually can be met with this alternative combined with the proposed Clean Water Factory project (and at a lower cost). 18

SBMWD disagrees with the DEIR's conclusion that, under the "No Project Alternative," "future wastewater treatment needs would not be met." (DEIR at p. 6-11.) In addition, SBMWD questions what evidence supports this determination. 19

EVWD recently completed a collection system master plan. That plan suggested several smaller projects (small recycled water plants) to address capacity limitations in its collection system. The DEIR should have considered one or more of the projects identified in the master plan as potential alternatives as they likely would reduce or avoid the Project's potential significant impacts to biological resources, hydrology and water quality while more easily and affordably achieving most, if not all, of the Project's basic objectives. 20

Finally, the DEIR's conclusions about the feasibility and environmental benefits of various alternatives are not supported by substantial evidence. In particular, the DEIR includes an alternative with 3 mgd less diversion reduction but concludes the proposed Project is environmentally superior, on the theory that Project "benefits" would be scaled back with alternatives that involved lesser levels of flow reduction. However, nothing in the Project objectives, Project description, or description of alternatives limits the scope of the Project's "beneficial" aspects to the level of recycled water produced (or the level of flow reduction in the Santa Ana River). If the project were smaller, then it seems clear that less mitigation would be required; it is not clear how a larger project requiring more mitigation (where the mitigation is scaled to the Project impacts) is environmentally superior to a smaller project with similarly scaled impacts and mitigation. 21

V. Project Effect on SBMWD Legal Obligations and Finances

Water Rights Considerations 22

The proposed 6 mgd reduction in the RIX facility flows makes up a substantial portion (6,700 af) of the 16,000 afy of effluent that the SBMWD is obligated to continue discharging to the Santa Ana River pursuant to its April 16, 1969, agreement with Valley

District (1969 Agreement), and the Orange County Judgment and Western Judgment. Moreover, these flows represent a significant portion (approximately 19%) of the current discharge quantities from the RIX facility.

The DEIR does not evaluate the Project's effect in light of these long-standing obligations. Moreover, the DEIR provides inconsistent descriptions of Valley District's obligations under and intent regarding compliance with the Orange County Judgment that make it difficult to understand Valley District's intentions with regard to Project operations or the feasibility of alternatives. On page 3.9-5, the DEIR describes Valley's District's flow obligation at Riverside Narrows as 15,250 afy, which SBMWD understands to be the obligation under the judgment. However, later in the same section the DEIR states: "Valley District is committed to contributing a minimum of 12,420 AFY at Riverside Narrows." (DEIR at p. 3.9-28.) The DEIR continues: "In addition, as other recycled water projects are implemented, the cumulative reduction in discharges from RIX would be required to maintain a minimum flow to meet the lower water rights appropriation rights as required in the Stipulated Judgment." 22

The 1969 Agreement obligates the SBMWD to discharge at least 16,000 afy for the use and benefit of Valley District. SBMWD was treating EVWD'S flows at the time that agreement was executed. It is likely the flow ratios have remained the same, so this would place a greater burden on SBMWD. In addition, EVWD collects wastewater from portions of the City, representing a significant portion of their flow. Valley District reminded the SBMWD of a concession made as part of the RIX water sales EIR (under Hydrology), that "[s]hould average groundwater levels approach the stipulated minimum elevation of 822 feet, MUNI shall implement appropriate measures to maintain the groundwater elevations. Among other measures, the RIX project may initiate groundwater replenishment." Accordingly, continuing access to wastewater flows is an important component of meeting SBMWD's various existing legal and environmental obligations.

Financial Effect on SBMWD

SBMWD owns the effluent it discharges to the Santa Ana River and relies on it to fulfill various legal obligations. To the extent the SNRC reduces the amount of water discharged from the WRP, the reduction could have an adverse financial impact on the WRP. Moreover, removal of the 6 mgd of flows from the effluent stream could affect the financial viability of the SBMWD's proposed Clean Water Factory Project. 23

VI. Conclusion

SBMWD appreciates the opportunity to engage in a dialogue with Valley District and EVWD to answer these questions about the Project and resolve its concerns. SBMWD looks forward to continuing to work cooperatively with Valley District and EVWD to advance the agencies' mutual goals in a cost-effective and environmentally sensitive manner.

Very truly yours,

Kelley M. Taber

KMT:mb

Consulting
Engineers and
Scientists

GEI Consultants

Memo

To: John Claus, City of San Bernardino Municipal Water Department

From: Craig Wolf and Ashley Ficke
Lee Bergstedt, Reviewer

Date: January 20, 2016

Re: Review of Sterling Natural Resource Center Environmental Impact Report

---

GEI Consultants Inc. (GEI) was asked to review specific findings in the Sterling Natural Resource Center Draft Environmental Impact Report (EIR 2015a) to evaluate whether predicted impacts to the Santa Ana Sucker (*Catostomus santaanae*) habitat are consistent with GEI's previous conclusions regarding effects of reduced flow on habitat conditions in the Santa Ana River. In addition, we also reviewed proposed mitigation measures to minimize or otherwise reduce the significant impact to Santa Ana Sucker habitat. The specific environmental impact and mitigation measure in the EIR include the following:

> Environmental Impact
>
> *The construction and operation of the project could have a substantial adverse effect, either directly or through habitat modifications on the Santa Ana Sucker. The impacts and modifications to the Santa Ana Sucker habitat would be significant and unavoidable.*

The EIR defines significant impacts as those adverse environmental impacts that meet or exceed the significance thresholds; while less-than-significant impacts would not exceed the thresholds. Mitigation measures are designed to avoid, minimize, or otherwise reduce significant impacts to a less-than-significant level.

> Mitigation Measure
>
> *Valley District will increase habitat availability in Rialto Channel during the summer months by providing cool supplemental water from nearby groundwater source to lower the water temperature in this tributary. Supplemental water will be added to the Rialto Channel when water temperatures reach 85 degrees. Supplemental water could be pumped groundwater or other water source. The discharge into the Rialto Drain will require a discharge permit from the Regional Water Quality Control Board.*

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GEIs Opinion on the Environmental Impacts to the Santa Ana Sucker

In the EIR, the conclusion that there would be significant impacts to the Santa Ana Sucker is solely based on the premise that any reduction in aquatic habitat metrics would result in a significant impact to the federally-listed sensitive species. However, in the reduced discharge study, ESA (2015b) concluded that depth and velocity modifications would not substantially reduce habitat extent or quality, even when placed in the context of Santa Ana Sucker habitat requirements (i.e., Primary Constituent Elements; PCE) identified by the USFWS and other studies (Sakai 2000). The reduced discharge study (ESA 2015b) predicted that a 6 MGD (9.3 cfs) reduction in discharge would decrease baseflows by 18-21%, decrease water depth up to 1.1 inches, decrease wetted area by 3% in the upper reach, decrease higher flow velocities while increasing mid-range flow velocities. Despite the general reduction in habitat metrics, ESA still concluded that flow velocities would continue to be sufficient to prevent silting of cobble substrates in areas that currently exhibit low sand and silt deposition and water depths would remain usable to all life-stages of the Santa Ana Sucker. Furthermore, based on our prior analyses, an increase in the mid-range flow velocities would create more suitable habitat conditions for the Santa Ana Sucker. The noted effects that led to the significant impact determination for the Santa Ana Sucker include:

- Decreased wetted habitat (acreage) available for each life stage;
- Decreased habitat suitability: shallower pools, warmer water, fewer high velocity areas leading to overall reduced long-term viability of population;
- Increased risk of predation;
- Decreased fecundity resulting from degraded conditions and/or increased competition for suitable habitat and resources;

yet none of these effects are quantified or compared to a threshold level to determine the significance of impacts.

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The environmental impact findings in the EIR (ESA 2015a) are not consistent with the conclusions provided in the reduced discharge study (ESA 2015b) or other available studies (GEI 2014, WEI 2014, Jenkins and McGill 2015) and do not exceed the PCE thresholds identified by the USFWS, or other specific significance thresholds as required for a finding of a significant impact. Notably, the EIR review of the existing Santa Ana Sucker status and biology does reflect the most recent knowledge of the fish.

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OTHER CONCLUSIONS OF EIR

There are other conclusions within the EIR that also contradict findings in other studies and were not fully vetted or supported in the discussion of environmental impacts section of the EIR.

The EIR states that Santa Ana Sucker has declined in the Santa Ana River (pg. 3.4-21) and the Draft Recovery Plan states that it continues to do so (USFWS 2014). However, a review

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of this and more recent data in GEI's low flow study (2014) indicates that the population is in a state of fluctuation, as would be expected in a highly variable shallow alluvial system like the Santa Ana River. We recommend an evaluation of the Santa Ana Sucker population metrics to determine whether the postulated decline is truly occurring, or whether it is an artifact of a short sampling period and the difficulties associated with sampling a mobile population in a variable environment. 28

The EIR also states that habitat is currently limited for the Santa Ana Sucker in the study area (pg. 3.4-51), and that this species is already exposed to many environmental stressors. While GEI generally agrees with these statements, we do not believe the conclusion of unavoidable and adverse effects naturally follow from the data presented in the EIR. There was no quantitative estimate of habitat loss for the Santa Ana Sucker, and as noted in previous studies (GEI 2014, ESA 2015b), a reduction in flow velocity would likely increase usable habitat for the Santa Ana Sucker and substrate conditions should remain the same as existing conditions. 29

GEI's low-flow study (2014) linked proposed flow changes from construction of the Clean Water Factory with changes in suitable and preferred Santa Ana Sucker habitat and evaluated environmental impacts based on the exceedance of specified threshold levels (i.e., percent changes in useable fish habitat). The study included multiple Santa Ana Sucker life stages (e.g., juvenile and adult) habitat utilization relationships for depth, velocity, and substrate and ultimately relied on a depth only model and depth-substrate model to identify potential impacts. The velocity data could not be calibrated to observed velocities due to inadequate pairing of depth and velocity measurements and was unreliable for determining impacts to the Santa Ana Sucker. GEI concluded that deeper habitats in the upper reach (Reach 1) will be reduced with a 6 MGD reduction in flow; however, this habitat characteristic is offset by the substrate conditions in Reach 1 which is largely comprised of cobble and gravel. These size classes are the preferred substrate by Santa Ana Sucker. The availability of coarse substrates within the upper reach and upstream in the Rialto Channel would benefit the Santa Ana Sucker by providing a forage base and substrate for spawning; therefore a reduction in discharge of this magnitude would have no impact on available habitat in the upper reach of the Santa Ana River. Further downstream in Reach 2, while a 6 MGD reduction in flow would decrease the useable habitat for both juvenile and adult Santa Ana Sucker, although this reduction would be considered less than a significant impact to the population.

WEI's (2014) sediment transport study concluded that average velocity in all three reaches would still be above the 1.21 ft/s threshold that ESA contends would allow transport of coarse sand, even with reductions in RIX flow of 6 and 9 MGD (ESA 2015b). An additional study by Jenkins and McGill (2015) showed that a "sand blanket" resulting from post-flood deposition could be moved in less than one day by maximum RIX flows (64 MGD) and in just under six days by flows of 29 MGD, typical of what was observed in 2014. This study

also showed that "scour hot spots" would expose coarse substrate shortly after deposition, because transport throughout the reach is by no means uniform. Both of these studies indicate that there would be a mosaic of sediment transport and local storage at low flows, which is to be expected in this reach.

REVIEW OF THE SUPPLEMENTAL WELL WATER AS A MITIGATION MEASURE

GEI was asked to specifically address the following questions regarding the use of supplemental well water or other source water as a mitigation measure. The use of supplemental well water, to benefit environmental conditions, is proposed to be used under three scenarios; 1) supplemental water may be added to the Rialto Drain when water temperatures reach 85°F (29.4°C, pg. 2-6); 2) when supplemental flow is needed to maintain minimum flows established by the wildlife agencies (pg. 2-27); and 3) when temporary maintenance shut-down of the RIX facility periodically eliminates discharge for an hour or more (pg. 3.4-54).

Question

Will the flow augmentation really have an effect on stream temperature?

Under Scenario 1, Supplemental well water (or water from another source, pg. 3.4-53) could be provided from four nearby refurbished wells located within existing industrial facilities, which include a Union Pacific rail yard, the Veolia Water North America Sewage Treatment Plant, and the Agua Mansa Properties Landfill (pg. 3.4-3). It is proposed that well water will be conveyed from these locations and discharged into the Rialto Drain. The Rialto Drain is a concrete lined channel, exposed to direct sunlight that will temper any cooler water discharged to the Rialto Drain, especially during mid-summer when water temperature may exceed 85°F. The Rialto Channel is closer to the confluence with the Santa Ana River and is a cobble-gravel channel containing vegetation that provides shade cover and will help limit excessive water temperature.

The EIR is lacking any water quality or temperature data for these four wells, so it appears the assumption that supplemental well water will cool the surface waters is largely based on the premise that groundwater is cooler than surface water. In addition, there is no discussion of the physicochemical conditions of "other source waters" (pg. 3.4-53) that may be used instead of the refurbished wells. Furthermore, there is no information regarding the water discharge rate expected to be produced by the wells or other source waters which would provide insight into the cooling potential of the supplemental water to the Rialto Channel. 30

Given the lack of quantifiable information on the supplemental water conditions and expected discharge rates, plus considering the fact that the Rialto Drain is a concrete lined channel, the likelihood of the supplemental water having a cooling effect on the surface water temperatures in the Rialto Channel is very small. Furthermore, any cooling effect on the Santa Ana River water temperatures will likely be negligible given the channel

characteristics and conveyance. We recommend that additional water quality information and flow rates be identified to provide some context as to the cooling potential or the supplemental water inputs to the Rialto Drain. 30

Question

What effect, if any, will the supplemental flow have on recruitment of Santa Ana Sucker given the Rialto Channel provides spawning and rearing habitat?

In this context, recruitment in the Santa Ana Sucker fishery is defined as the survival of a fish from one life-stage to the next (i.e., egg to larval stage, larval to juvenile stage, or juvenile to adult stage).

Under Scenario 3, supplemental well water would benefit recruitment of certain life stages, particularly if the temporary shut-down of the facility occurred when sensitive life stages were present, such as the egg or larval stages. These life-stages are more sensitive to changes in their environment and eliminating surface water flow, even for a few hours, would greatly reduce the likelihood of recruitment for these sensitive life-stages. As for the juvenile life-stage, a temporary shut-down on the order of an hour or more would have negligible effects on the recruitment of juveniles to adult life-stage. Juveniles along with adults are less sensitive to short-term changes in surface flows (i.e., order of hours), because they have the ability to seek out residual pools during these types of flow interruptions. Therefore, the proposed addition of supplemental well water will have negligible effects on the recruitment of juveniles to the adult life-stage under Scenario 3. 31

Under Scenario 2, the term "minimum flow" should be clarified because this term can take on different meanings depending on narrative or numerical definitions. Minimum flow could simply mean maintaining a low flow condition in the channel such that aquatic habitat is maintained during brief periods (i.e., order of days), or it could signify achieving a numerical flow rate (i.e., cfs) or velocity (0.01 ft per second, per USFWS). While this Scenario essentially addresses Scenario 3 (short-term interruptions in flow), it is considered separate in this context because it is assumed that surface flow is present but does not meet the minimum flow threshold which could have greater implications from a water management standpoint than just recruitment. However, regardless of minimum flow is defined, the supplemental water would have a minor effect on the recruitment of any life-stage, because it is assumed that surface flow exists in the channel, just not a minimum threshold. 32

Literature Cited

ESA. (2015a). Sterling Natural Resource Center draft environmental impact report. Prepared for San Bernardino Valley Municipal Water District.

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Wildermuth Environmental, Inc. (WEI) 2014. Draft in-depth analysis of the Santa Ana River HEC-RAS hydraulic modeling results from the river reach between RIX and the MWD Crossing.

SBD San Bernardino International Airport

January 29, 2016

San Bernardino Valley Municipal Water District
C/O Tom Barnes, Environmental Science Associated
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

RE: Sterling Natural Resource Center DEIR

Dear Mr. Barnes:
This letter is in response the Draft Environmental Impact Report (DEIR) on the proposed Sterling Natural Resource Center (SNRC) located at North Del Rosa Drive between 5th Street and East 6th Street in the City of Highland and the associated effluent conveyances and discharge locations. We understand that the San Bernardino Valley Municipal Water District (SBVMWD) is serving as lead agency for compliance with the California Environmental Quality Act (CEQA).

The San Bernardino International Airport Authority (SBIAA) operates the San Bernardino International Airport, a commercial airport certificated by the Federal Aviation Administration (FAA). The Airport is a 24-hour operation serving various types of aeronautical activities including air cargo, law enforcement air support, and essential US Forest Service aerial fire response.

As a commercial airport, there are specific requirements set forth through the FAA, Public Law, and State of California guidelines that SBIAA maintains compliance with in order to ensure the safety of aircraft operations on and around the Airport. The proposed SNRC is located approximately 1.4 miles north of the Airport and within the Airport Influence Area where low-flying aircraft routinely operate. The SBIAA requests that the Valley District carefully consider the potential impacts of the proposed SNRC development and specifically address the concerns set forth in FAA Advisory Circulars 150/5200-33B, 150/5200-34, as well as Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181), and State guidelines including the provisions set forth in the California Airport Land Use Planning Handbook. 1

The FAA requires SBIAA, under its Commercial Operating Certificate, to ensure lighting does not negatively affect the operation of aircraft. Specific positioning or shielding of exterior lighting is required in order to prevent negatively impacting the night vision of pilots. In the DEIR, under Impact 3.8-4, the exterior building lighting is identified as having no impact to the Airport. SBIAA requests that SBVMWD provide clarification on the guidelines that will be followed for the design of exterior lighting, and provide SBIAA an opportunity to review and approve lighting components involving height, position, type, direction of aim, and light intensity. 2

Impact 3.11-5 states that the proposed SNRC will be minimally impacted by noise generated from low flying aircraft as the site would not be located near either end of the Runway. Because the SNRC is proposed to be located within the Airport Influence Area, low-flying aircraft, including helicopters, law enforcement, and fire response aircraft currently operate at or above 500 feet in the surrounding areas of the Airport and within the vicinity of the SNRC. As background noise readings were not provided in the DEIR for the project, we request that the DEIR acknowledge such over flights (including single event noise spikes) in the background noise condition of the site. 3

The SNRC treatment plant and associated water features can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape that can produce substantial attractions for various wildlife species with the potential to pose hazards to aircraft operations. The SBIAA requests information on how SBVMWD plans to mitigate wildlife attractants and standing water conditions at the proposed SNRC in conformance with the requirements set forth in FAA Advisory Circulars 150/5200-33B, 150/5200-34, and Public Law 106-81. 4

The DEIR identifies construction of the SNRC site as having no impact to the San Bernardino Kangaroo Rat. However, special attention to ensure protection of this species and the Santa Ana Woolly Star during the construction/upgrades of the Santa Ana River Pipeline conveyance is required. Further information on proposed pipelines residing on or adjacent to SBIAA owned property is required, as access to the buried pipelines has been identified to take place in close proximity to Kangaroo Rat and Santa Ana River Woolly Star habitats within an established Conservation Management Area and would necessitate coordination with the U.S. Fish and Wildlife Service. 5

SBVMWD should ensure that both construction activities and the SNRC facility operation adhere to requirements set forth by the FAA, Public Law, and the State of California for the continued safety of pilots operating in the vicinity of the San Bernardino International Airport. For more information on these requirements, please reference the following: FAA Advisory Circular 150/5200-33B; FAA Advisory Circular 150/5200-34; Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181); and the California Land Use Planning Handbook. SBIAA requests that SBVMWD take into consideration and address the aforementioned concerns as they relate to the proposed design and construction of the SNRC.

Sincerely,

Mark Gibbs
Director of Aviation
San Bernardino International Airport Authority

Comment Letter EHL

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

January 28, 2016

VIA ELECTRONIC MAIL

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017
tbarnes@esassoc.com

RE: Draft Environmental Impact Report for Sterling Natural Resource Center

Dear Mr. Barnes:

Endangered Habitats League (EHL) appreciates the opportunity to comment on this project. For your reference, EHL is Southern California's only regional conservation group, with a focus on the upper Santa Ana River and its tributaries.

This project proposes to remove water now discharged into the Santa Ana River system from the RIX facility and to use it for groundwater recharge at one of several possible locations. It would remove about 20% of the in-stream flows now being discharged from RIX and which currently support the endangered Santa Ana sucker (Sucker). A number of compensatory mitigation measures are proposed to enhance or create habitat for the Sucker.

While the project's impacts and mitigations are supposed to fit into the larger Upper Santa Ana River Habitat Conservation Plan (HCP), the project could also move forward *absent* the HCP. As a supporter of the HCP process, EHL is very concerned about piecemeal projects that may undermine or even preclude HCP success. For this reason, it is vital that the EIR for the Sterling facility properly assess the individual and cumulative impacts of the project. 1

Endangered Habitat League has the following concerns over the adequacy of the DEIR: 2

1. The water needed for Sucker survival and recovery within the Santa Ana River has not been defined in terms of quantity, quality, and flow regime. Absent this essential information, the impacts of loss of water from the Sterling project – as well as the cumulative impacts of other foreseeable diversions – cannot be adequately assessed. Without knowing how much in-stream water the Sucker needs, there is no way to know if an impact is significant or can be mitigated.

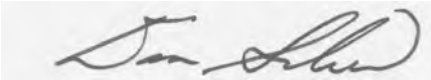
The EIR must identify and disclose the water that should to remain in-stream for the Sucker and compare those parameters (quantity, quality, and timing of flows) to the effects of Sterling and other cumulative diversions. Special consideration should be given to flows required to flush accumulated fine sediments, which are detrimental to the Sucker. On the basis of this analysis, the project should retain ample flows in the system, and fully mitigate the impacts of diversion. 2

2. The suite of recharge sites should be analyzed and compared not only with reduction of impacts in mind but also with an eye to enhancement and restoration opportunities. The ultimate choice should reflect this complete analysis. 3

Also, while the proposed mitigation measures could indeed benefit the Sucker, ultimate success for the Sucker and other species depends upon a cooperative, regional approach among public agencies. Specifically, lands needed for enhancement and restoration should be made available for these purposes *even if the mitigating agency is not the landowning agency*. Thus, public agencies should make their lands available – with appropriate monetary compensation, of course – as mitigation for the Sterling project and other components of the Upper Santa Ana River HCP. 4

Thank you for considering our views. Please retain EHL on all mailing and distribution lists for this project.

Yours truly,



Dan Silver
Executive Director

cc: U.S. Fish and Wildlife Service
Calif. Dept. of Fish and Wildlife
U.S. Environmental Protection Agency
Regional Water Quality Control Board
Interested parties

San Bernardino Valley Audubon Society

via electronic mail and USPS

February 1, 2016

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017
tbarnes@esassoc.com

Re: Comment on Draft Environmental Impact Report for Sterling Natural Resource Center

Dear Mr Barnes:

These comments are submitted to the San Bernardino Valley Municipal Water District (the "District") on behalf of the Center for Biological Diversity (the "Center"), San Bernardino Valley Audubon Society and the San Gorgonio Chapter of the Sierra Club regarding the Draft Environmental Impact Report ("DEIR") for the Sterling Natural Resource Center ("SNRC"). The project is anticipated to result in unmitigable significant impacts to the federally threatened Santa Ana sucker and will ultimately decrease the water flow of the Santa Ana River by six (6) million gallons per day ("MGD"). This flow is critical to sustaining the current population of the Santa Ana sucker in its namesake river. Our groups support sustainable management of local water resources that includes the preservation of native flora and fauna and their habitats. For the reasons detailed below, we urge substantial revisions to the DEIR to better analyze, mitigate or avoid the Project's significant environmental impacts.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has 50,186 members and over 900,000 online activists, including 31,862 members and 111,877 online activists in California. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people and wildlife in San Bernardino County.

The San Bernardino Valley Audubon Society ("SBVAS") is a local chapter of the National Audubon Society, a 501(c) 3 corporation. The SBVAS chapter area covers almost all of

Riverside and San Bernardino Counties and includes the project area. SBVAS has about 2,000 members. Part of the chapter's mission is to preserve habitat in the area, not just for birds, but for other wildlife, and to maintain the quality of life in and around San Bernardino County.

The Sierra Club is a national nonprofit organization of over 732,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Over 193,500 Sierra Club members reside in California. The San Gorgonio Chapter of the Sierra Club focuses on issues within the inland empire, including San Bernardino County.

While the diversion of wastewater from release into the Santa Ana River to the proposed SNRC tertiary water treatment plant may provide a benefit to biological resources by ultimately assuring continuous flows to the occupied habitat of the federally threatened Santa Ana sucker fish, the California Environmental Quality Act ("CEQA") analysis of the project is inadequate. We are not therefore, able to determine if this release will be helpful or harmful and the District cannot move forward in approving this project based upon this inadequate and incomplete DEIR. 1

In addition to the direct impacts that the diversion will cause, we are also concerned about the impacts on biological resources of installing new pipes and outlet structures to existing infiltration basins (Twin Creeks and Redlands) and to a new location in City Creek; the activation of wells to provide water into the Rialto Ditch to when the outflow in that ditch is too warm to sustain Santa Ana sucker fish; and re-purposing an existing pipe to bring reclaimed water to the Rialto Ditch. 2

A. Inadequate and Deferred Surveys

Analysis of biological resources has been impermissibly deferred and the one "survey" that was conducted is wholly inadequate. Even though there is an area of high biodiversity with an exceptional number of protected species - 27 special-status plant species and 44 special-status wildlife species acknowledged in the DEIR - there has not been a sufficient biological surveys completed and only one questionable focused study for a protected species. 3

The only on-the-ground effort to analyze biological resources was a "reconnaissance-level survey" that did not include any data for 9 months of the year and did not even cover the entire project area: "in areas that were not accessible at the time of the survey, visual observations were made from the nearest accessible locations." (DEIR at p. 3.4-1.) The only discussion of the highly imperiled San Bernardino Merriam's kangaroo rat, known to be present in the area and protected as an endangered species across its entire range is as follows: "Surveys for San Bernardino [Merriam's] kangaroo rat were conducted by a permitted biologist on the SNRC site and resulted in negative findings of the species due to the lack of suitable habitat" (DEIR at 3.4-21). There is no further information provided on this survey, the surveyor's report is not attached to or cited in the DEIR, and there is no indication of whether the survey was conducted in accordance with USFWS survey protocol for this species. The survey protocol for the San 4 5

Bernardino Merriam's kangaroo rat requires an intensive five consecutive nights of trapping, conducted when the animal is active aboveground at night, and preferably during a new moon phase. Without any information as to the survey we cannot determine if the District's efforts were in compliance with the protocol, but given the acknowledged, extremely-close proximity of known populations, it appears highly likely that the methodology employed is not acceptable. 5

The District did not conduct any focused studies for burrowing owls, for the remaining sixteen rare plants that have medium to high potential to occur on the project site (at pg. 3.4-12), or the thirty-five rare animals that the DEIR lists as having medium to high potential to occur on the project site (at pg. 3.4-20). All such surveys are to be deferred to prior to construction even though the project impacts federally designated critical habitat for the endangered San Bernardino Merriam's kangaroo rat in City Creek and possibly along the mainstem of the Santa Ana River. Lacking the basic facts on the existing resources, an adequate CEQA evaluation of impacts is impossible and the District cannot demonstrate, as required by CEQA, that its conclusions are supported by substantial fact. 6

B. Rare Animals

i. <u>Southwestern Willow Flycatcher</u> 7

The DEIR fails to mention southwestern willow flycatcher federally designated critical habitat which occurs in the proposed project area at the proposed SBWRP bypass area. This oversight in of itself makes for a legally insufficient DEIR.

The DEIR fails to quantitatively estimate the decrease in southwestern willow flycatcher habitat due to the decrease of 6MGD into the Santa Ana River. While we believe the impact from the decrease could be offset by some of the proposed mitigation measures, without a quantitative estimate of impact, clear goals for mitigation cannot be developed or implemented to truly offset the impact. 8

ii. <u>San Bernardino Merriam's Kangaroo Rat</u>

The proposed project will impact San Bernardino Merriam's kangaroo rat habitat in numerous places, yet the identification of the impact remains vague or unidentified. For example, all of the City Creek outlet structure alternative locations are within federally designated critical habitat. The permanent impact of the structure themselves are proposed to be 900 square feet (at 2-15), yet there is no estimate of temporary impacts. Although temporary, these impacts may be extensive and profound. 9

While the DEIR recognizes that "Construction of discharge facilities within City Creek and the introduction of perennial flow would result in a shift from RAFSS [Riversidean Alluvial Fan Sage Scrub] to Southern Cottonwood-Willow Riparian Forest, displacing sensitive wildlife," mitigation measure Bio-2 relies on surveys for the kangaroo rat that will be performed in the future, prior to construction, so it is unclear how many animals would be impacted and the amount of critical habitat impacted. Bio-2 also proposes mitigating impacts through 10

conservation measures and compensation requirements that remain unidentified, and rely totally on the Biological Assessments submitted to the wildlife agencies through Section 7 and 2081 consultations. Unfortunately that approach fails to provide the public and decision makers with adequate data and analysis of impacts and it also removes the opportunity for interested public to comment on the proposed conservation measures and compensation that the agencies require. 10

If perennial flows in City Creek are established as part of the project, we agree that the cover of RAFSS would decrease while some type of riparian forest could develop depending on the amount of water released and the infiltration rate. The DEIR does not attempt to quantify this change of decreasing RAFSS and increasing riparian habitat or the impacts and benefits to rare and endangered species. The San Bernardino Merriam's kangaroo rat relies extensively on the RAFSS community, especially early and mid-successional stages. The conversion of existing RAFSS to riparian will decrease the amount of available habitat (including critical habitat) for the San Bernardino Merriam's kangaroo rat. We recognize that the creation of riparian habitat would benefit other species including riparian obligate sensitive avian species. However the DEIR fails to estimate the decrease in RAFSS and the increase in riparian that would result from the implementation of the project. It is likely that a decrease in RAFSS would require mitigation, but in the absence of an analysis in the DEIR, it remains unclear. The DEIR needs to fully address the anticipated decrease in RAFSS and the increase in riparian habitat in City Creek and if mitigation will need to be implemented to offset impacts, particularly to the decrease in RAFSS. 11

At pg. 2-24, the DEIR discusses that some segments of the 36-inch Santa Ana River Pipeline that extends from Alabama Street to the SBWRP may have been removed and would need to be replaced (in addition to lining the existing segments of the pipeline for the purposes of the proposed project. While not discussed in the impact sections, any segments that needed to be replaced likely lie within federally designated critical habitat for the San Bernardino kangaroo rat. Again, the DEIR falls short of identifying and quantifying potential impacts to critical habitat and ways to avoid, minimize or mitigate the impacts. 12

iii. Santa Ana Sucker Fish

We agree with the determination in the DEIR that the project will result in significant and unmitigable impacts to Santa Ana sucker due ultimately to the removal of 6MGD of water from the Santa Ana River, which is 18-21 percent of the 28.5 MGD currently discharged into the Santa Ana River at the Rapid Infiltration and Extraction facility (RIX) (at pg. 3.4-48). 13

To determine if this impact can be mitigated, there needs to be much more clarity on the operation of the wells – when they would be activated, how much water etc. To partially mitigate the Santa Ana sucker impacts, the DEIR proposes to refurbish existing wells close to the Rialto Channel, pump groundwater and release it into the Rialto Channel. As the DEIR states "The wells will enable groundwater to be used as supplemental water, to mitigate the potential direct and indirect effects of reduced Santa Ana River flow. The groundwater would be conveyed into the Santa Ana River as needed to maintain minimum flows established by the wildlife agencies.

The wells would be operated by Valley District" (at pg.2-27). It is unclear what the minimum flows going into the Santa Ana River would be. 13

iv. Gambel's watercress

The DEIR fails to examine the opportunity for re-introduction of Gambel's watercress back into the Santa Ana River watershed from which it has been extirpated. Based on the extreme rarity of Gambel's watercress (at pg. 3.4-17), this species would greatly benefit from having more than a single location on the planet. Because so much of the aquatic habitat would be highly managed, re-introduction and management to prevent hybridization would be a great benefit. We strongly suggest that re-introduction be part of the strategy for recovering this very rare species. 14

v. Arroyo Chub

Table 3.4-4 identify the arroyo chub as having only medium potential for impact on the project site, but that seems wrong since the arroyo chub is sympatric with the Santa Ana sucker in the Santa Ana River. Please clarify. 15

C. Habitat Mitigation and Monitoring Plan (HMMP) Mitigations Vague

While a HMMP is not actually provided, measures are provided that could be incorporated into the HMMP. The generalized language of the measures however is inadequate to assure effective mitigation. Some of the proposed measures that need clarity include:

SAS-1 – Microhabitat Enhancements are proposed that entail using placement of large boulders or woody debris to increase scour and pool formation. While we support increasing scour and pool formation in the Santa Ana sucker habitat, previous efforts at using gabions did not result in the desired scour and pool formation – the gabions sunk into the sand. This measure may be more effective if the boulders/woody debris is placed at appropriate places in the river, but absent a fully developed HMMP or more clarity in the measure, the DEIR leaves great room for implementation of ineffective mitigation by putting the boulders/woody debris in ineffective locations. In addition, it is unclear that Flood Control Districts would even allow the installation of boulders/woody debris, due to the boulders/woody debris' potential to back up water, cause flooding or cause downstream damage to existing infrastructure. These issues must be clarified and addressed in the EIR. 16

SAS-2 – We support aquatic non-native predator control for all the benefits reduced predation provides the Santa Ana sucker and other native aquatic fauna. However it is unclear why the control is limited to "the upstream reach of the affected river segment" (at pg. 3.4-52). What defines the "upstream reach" and "affected river segment". While we recognize that species do move downstream, so there is value in treating the upstream reach, predators also move upstream. A comprehensive measure would include treatments both upstream and downstream. 17

SAS-3 - We support management for exotic weeds for all the benefits reduced exotic vegetation provides the habitat for both native plants and animals. However, weed abatement must be systematically implemented from the top of the watershed to the bottom; otherwise exotic plants will continually re-infest downstream reaches resulting in an ongoing weed problem and an unending source of temporary, but illusory, mitigation credits for permanent development impacts. The measure needs to identify a goal for exotic reduction and triggers for action if exotics reappear. 18

SAS-5 – We support keeping the water cool enough in the Rialto Channel so that Santa Ana sucker and other aquatic fauna can use it as habitat. However, water temperature and quantity should both be triggers for augmentation in Rialto Channel. Revegetation of the channel above Agua Mansa to provide shade in the channel (and remove the hardened surface) would not only provide additional habitat but also reduce heating of the pumped groundwater. 19

SAS-6 – For well over a decade, we have supported establishing additional populations of Santa Ana sucker in the Santa Ana River, due to the limited habitat available to the existing population and its vulnerability to catastrophic events. This measure needs to clarify the goals and success criteria of the translocation plan. The translocated fish should not be considered an experimental population under the ESA. 20

D. Biological Assessment Missing

Bio-1 commits to seeking state and federal Endangered Species Act permits from the wildlife agencies. A Biological Assessment will be prepared as part of that process (at ES-9). In our experience, Biological Assessments are typically provided, often as an appendix as part of the DEIR. In this case a Biological Assessment would provide more specific data on the existing resources with potential for impact and clear avoidance, minimization and, if necessary mitigation measures to reduce or eliminate the impact. 21

E. Unclear Project Description

The text of the DEIR describes different alignments of Treated Water Conveyance System pipelines to City Creek and Figure 2-5 includes a proposed pipeline that traverses City Creek at 5th/Greenspot road and continues east to some undisclosed terminus. We could not locate a description of this pipeline or an impact evaluation of it. 22

F. Cumulative Impacts

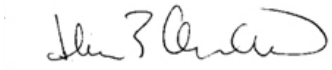
The results of the cumulative impacts analysis indicates a catastrophic decline in water for the Santa Ana sucker, other aquatic organisms and the riparian corridor along the Santa Ana river downstream of RIX. In coordination with the Cities of San Bernardino for their Clean Water 23

Factory Project proposal[1], for the City of Rialto, the District needs to carefully consider the need to divert water from the Rialto channel through the three separate projects. The channel supplies most of the surface flow upon which the Santa Ana sucker relies and the cumulative impacts of these projects could be catastrophic. We agree with the conclusion the District reaches in the DEIR that, if all of the three projects move forward, the Santa Ana sucker faces extirpation from its namesake river. We urge the San Bernardino Valley Municipal Water District and the Cities to safeguard against this extirpation, and the state and federal wildlife agencies to prevent this extirpation as they implement protections for the Santa Ana sucker. 23

Thank you for the opportunity to submit comments on this proposed Project. We look forward to working to assure that the Project and environmental review conforms to the requirements of state law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. In light of the significant, unavoidable environmental impacts to the Santa Ana sucker fish, the incomplete biological surveys of the project area that are a prerequisite to adequate impact analysis, we strongly urge the DEIR be vastly improved and recirculated. Please do not hesitate to contact the Center with any questions at the number listed below. Please keep us on the "interested public" list with regards to any notifications about this project.

Sincerely,

April Rose Sommer
Staff Attorney
Center for Biological Diversity



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Drew Feldman
Conservation Chair
San Bernardino Valley Audubon Society

[1] http://www.usbr.gov/lc/socal/envdocs/2014/SBMWD%20Clean%20Water%20Factory%20NOP.pdf

Kim Floyd
Conservation Chair
San Gorgonio Chapter
Sierra Club

cc (via email):
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Karin Cleary-Rose, USFWS karin_cleary-rose@fws.gov
Kai Palenscar, USFWS kai_palenscar@fws.gov
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LAFCO

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Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

Sent via mail and email at tbarnes@esassoc.com

February 1, 2016

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

RE: Sterling Natural Resource Center Draft Environmental Impact Report

Dear Mr. Barnes:

LAFCO received a copy of the Sterling Natural Resource Center (SNRC) Draft Environmental Impact Report (EIR). We have provided this document to our environmental consultant, Tom Dodson and Associates, who has formulated a response. Based upon that analysis, LAFCO has the following comments and/or concerns:

Executive Summary

There is no information provided that addresses the greater control over costs. Nothing in this document demonstrates that this objective can be met by the proposed project. Therefore, even the proposed project cannot meet all of its objectives and may not be approved. 1

1. Introduction

- Page 1-2 (San Bernardino Valley Municipal Water District). The reference to East Highland and Highland, in this instance, should be one and the same, which is (City of) Highland. 2
- Page 1-2 (East Valley Water District). The description of the District's service area should clearly identify that it primarily serves the City of Highland. 3
- Page 1-4 (Overall Introduction). One issue not addressed is the location of the East Valley Water District (EVWD) wells relative to the recharge sites. In essence, how much benefit will EVWD receive - after evapotranspiration components are calculated, after the recycled water connects to the groundwater, and what percentage of water will the wells capture? 4

- Figure 1-2 (Page 1-5) does not provide a legend for the lines on the map. 5

2. Project Description

- Figure 2-1 (Page 2-2): The location of Rialto well pumps are not shown. 6
- Page 2-13 (Stormwater Management) The capacity of the retention system is for a two-year 24 hour storm. What happens when a larger storm occurs; where does the excess flow drain to? 7
- Page 2-27 (Groundwater Wells) Who owns the four existing groundwater wells near the Rialto Channel? Do they have current outlets to the Santa Ana River (SAR)? What groundwater basin will they draw from and what is the current status of that basin? 8
- Page 2-32. (SAR Pipeline) No information is provided related to the length of new 24" SAR pipeline to the existing Rapid Infiltration Extraction (RIX) discharge pipeline. In addition, there are no operational scenarios for SAR deliveries to RIX or pumping and delivering of groundwater to SAR for mitigation. Please provide estimates of these future mitigation scenarios for impact evaluation. 9

3. Environmental Setting, Impacts and Mitigation Measures

- Page 3.3-13. Please remove "San" from text "City of **San** Highland." This error is also displayed in other parts of the Draft EIR. 10
- Page 3.3-14 (City of Redlands General Plan). Please replace "City of San Highland" text to "City of Redlands" 11
- Section 3.8 Hazards. Is the installation of this facility that is directly adjacent to a school and residential uses suitable given the potential modes for failure of this facility? 12
- Page 3.8-14 & 8-15 (Impact 3.8-2); No analysis of release of any of the chemicals is provided - what type and level of hazards would such accidental releases cause to adjacent land uses? 13
- Page 3.10-10 (SNRC). The statement "generally consistent" to Business Park has no evaluation of what consistency is, only a conclusion. A treatment plant is—most likely—incompatible due to presence of large quantities of chemicals, human waste processing, noise, totally different daily activity pattern than the adjacent uses. 14

  Also, this facility is primarily a wastewater treatment facility, not a water infrastructure; therefore, this statement is flawed. 15

- Page 3.12-11 (Impact 3.12-4). The environmental justice discussion is flawed. The SBVMWD was requested to provide an evaluation of future operational costs to the minority and low income residents of the city of San Bernardino. This issue is not addressed. 16

  A detailed discussion of the effects on costs to residents of EVWD's service area needs to be provided to determine whether they will incur significant rises in water fees as a result of this project. 17

- Page 3.13-4 (County of San Bernardino). Again, the reference to East Highland and Highland, in this instance, should be one and the same, which is (City of) Highland. 18

- Page 3.13-5 (City of Redlands). Please correct the text "Local **Area** Formation Commission…" to "Local **Agency** Formation Commission." 19

- Page 3.13-12 & 13-13 (Impact 3.13-1). The text identifies wastewater treatment as a "critical public demand." This is not accurate as the public already receives adequate treatment at the SBWRP. The need is for additional water. 20

- Page 3.13-13&13-14 (Impact 3.13-3). Because this wastewater treatment project will result in significant impacts, the impact under this CEQA issue must also be found to be an unavoidable significant adverse impact. Please make appropriate modifications. 21

4. Cumulative Impacts

- Page 4-13 (Biological Resources). The analysis of cumulative hydrology impacts needs to include an evaluation of all upstream agency plans for reductions in flows into the Prado Basin. We believe that it is critical to survey all of the water/wastewater management agencies located upstream of Prado Dam to evaluate the cumulative impact of potential water withdrawals from the Santa Ana River. 22

- Page 4-16 (Hydrology and Water Quality). Please provide substantiation for the conclusion that the Redlands Basins have sufficient capacity to accommodate both discharges. There is no data in the EIR to substantiate this finding. 23

6. Alternatives

- Page 6-4 (Alternatives Not Evaluated). Several of the alternatives that were rejected were due to proximity to residential development. If this consideration applies to the rejected alternatives, it should also apply to the project site. 24

Thus, several of the rejected alternatives should have been considered based on the test of compatibility used for the proposed project. 24

Thank you for allowing us to provide comments on the Draft EIR. If you have any questions concerning the information outlined above, please do not hesitate to contact Samuel Martinez, Assistant Executive Officer, at (909) 388-0480 or Tom Dodson, Environmental Consultant to LAFCO. Please maintain LAFCO on your distribution list to receive further information related to this process.

Sincerely,

KATHLEEN ROLLINGS-McDONALD
Executive Officer

cc: Tom Dodson, LAFCO Environmental Consultant
Doug Headrick, General Manager & Chief Engineer, San Bernardino Valley Municipal Water District
John Mura, General Manger/CEO, East Valley Water District

STEPHEN W. ROGERS, P.E. CONSULTING
820 CHURCH ST. REDLANDS, CA 92374
PHONE: 909.556.1988 (CELL) EMAIL: STEVE_ROGERS@VERIZON.NET

February 1, 2016

San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017
(sent by email only to: tbarnes@esassoc.com)

SUBJECT: STERLING NATURAL RESOURCE CENTER ENVIRONMENTAL IMPACT REPORT

Dear Mr. Barnes:

The following comments are being submitted on behalf of the Mentone Area Community Association (MACA) pertaining to the subject wastewater treatment plant facility proposed to be constructed in the City of Highland, and which is anticipated to provide sewerage system capacity to areas within the East Valley Water District (EVWD) and other areas covered by the San Bernardino Valley Municipal Water District (SBVMWD) service area.

1. It has been suggested by the City of Highland, EVWD as well as the developer for the proposed Harmony Specific Plan project, that sewer service will be made available to the Harmony project in conjunction with the development and construction of the subject Sterling Natural Resource Center wastewater treatment plant project. However, there is no mention of the proposed SBVMWD wastewater treatment plant project in the Harmony Specific Plan Environmental Impact Report (EIR) document which is in it's final review stages. Therefore a lack of consistency exists between the two documents which needs to be corrected in advance of the distribution of the Final EIR documents for both projects.
2. Additionally, and although the City of Highland indicates there has been significant discussion with EVWD and the Harmony project developer over at least the last years time, the outfall sewer which will be necessary to connect the proposed Harmony Specific Plan project to the proposed Sterling Natural Resources Center wastewater treatment plant has not been identified in either project's Environmental Impact Report (EIR).
3. Much of the unincorporated area of Mentone, which is located within the Sphere of Influence for the City of Redlands and within the SBVMWD service area, is without sewerage service availability and instead is utilizing individual

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2
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2

septic systems for wastewater disposal. The Mentone Area Community Association (MACA) is interested in having an appropriate service review conducted and having sewer service made available in conjunction with the proposed Sterling Natural Resources Center project and the outfall facilities that would need to be constructed to provide service to the Harmony Specific Plan area. The Harmony project was previously also located in the City of Redlands Sphere of Influence before the area was annexed into the City of Highland through the Local Agency Formation Commission (LAFCo) in 2000.

3

Thank you for this opportunity to comment on the Sterling Hatural Resources Center project. If there are any questions concerning this correspondence, please call me at (cell:909-556-1988) or email to steve_rogers@verizon.net.

BLUM | COLLINS LLP

Aon Center
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Suite 4880
Los Angeles, California
90017

213.572.0400 phone
213.572.0401 fax

February 1, 2016

Valley District
c/o Tom Barnes
Environmental Science Associates
626 Wilshire Blvd., Suite 1100
Los Angeles, CA 90017
Tbarnes@esassoc.com

Via Email & U.S. Mail

Re: *Comments on Sterling Natural Resource Center EIR*

Dear Mr. Barnes and Valley District:

This letter is to serve you with comments on behalf of the SoCal Environmental Justice Alliance ("SEJA") regarding the planned Sterling Natural Resource Center ("SNRC") and its Environmental Impact Report ("the EIR" or "the DEIR"). SEJA believes the document is deeply flawed with regard to its project description, analysis of impacts, analysis of alternatives, and analysis of cumulative impacts. We believe you should redraft and recirculate the document after these flaws have been remedied. Thank you for this opportunity to comment. We provide our comments in the order they come up relative to the document. 1

Project Description Discussion

The Project Description (at 2-5 to 2-6) leaves much to be desired. First of all, it does not describe how much if any water will be going to City Creek, the East Twin Creek Spreading Grounds, or the Redlands Basin. It appears from your map (at Figure 2-7f) that all three will be used, as you have depicted facilities going to each, as well as to the Santa Ana River ("SAR") Pipeline. It is impossible to tell how much water you intend to divert to each location and thus to determine what the impacts will be. This leaves the public, as well as your agency, as well as other responsible agencies, in the dark. 2

It also is impossible to tell why you have designated SBVMWD ("Valley District") as lead agency when the project will serve East Valley Water District ("EVWD") customers and will be built on EVWD land. 3

At 2-24 you indicate (we think for the first time) that some (although you do not say how much) water will be piped via the SAR Pipeline to the San Bernardino Water Recycling Plant ("SBWRP") where it will be mixed with the SBWRP's secondary-treated water and 4

sent to the Rapid Infiltration and Extraction ("RIX") Facility. We do not understand why you are sending tertiary-treated water into a secondary-treated water flow; it sounds like a waste of energy. Can you please explain this? 4

At 2-33 you have a table to truck trips per year. The table appears to diverge from the text in a couple of different ways. First, the text immediately above the table indicates that there will be 600 truck trips with dewatered biosolids per year, whereas the table indicates there will be 720. More fundamentally, elsewhere in the EIR you indicate that there could be up to *5 truck trips per day* with biosolids, which is far in excess of the 720 you estimate in the table (and, we believe, use for your air quality estimates). 5

Aesthetics

At 3.1-11, you state that the project would not have a substantial adverse effect on a scenic vista. However, it is apparent that you did not take photographs in the direction of the mountains, *see* Figure 3.1-1 (Inset) which is the direction in which there could be a scenic vista from the project site. We therefore question your conclusion that there is no significant impact from construction of the project. As you note yourself, the City of Highland Conservation and Open Space Element reflects a goal to preserve views and vistas including of the San Bernardino Mountain ridgelines. 6

Air Quality

At page 3.3-19, you indicate "The analysis of localized air quality impacts focuses only on the on-site activities of a project, and does not include emissions that are generated offsite such as from on- road haul or delivery truck trips (SCAQMD, 2003)." We are surprised if that is SCAQMD's guidance and question its validity if so. We believe haul and construction truck trips must be included for the air quality construction impact analysis to have any validity. 7

At page 3.3-20 you indicate that you modeled the mobile source emissions from operation on the assumption that there would be 25 employee visits per day. Elsewhere in the document you state that there will only be 5 employees there per day. We agree with you that your estimates should be conservative. 8

At page 3.3-21 you conclude that the project would not conflict with or obstruct the implementation of an Air Quality Management Plan ("AQMP"). In reaching this conclusion you assume that the project is consistent with the land use designation in the City's General Plan. We do not believe that it is. The land is zoned for Business Park but will be having traffic from five diesel trucks per day according to other portions of the DEIR. We do not believe that an industrial facility such as the SNRC is in fact what the site was zoned for. Accordingly, it is not consistent with the Southern California Association of Government's ("SCAG's") growth projections and it conflicts with the AQMP. 9

On the same page you claim that the SNRC would replace treatment processes and air emissions at the RIX facility. With growth, we suspect the SNRC will be doing more than replacing the RIX facility's emissions. Prior statements indicate that the SNRC will be operating in conjunction with RIX. We think your air quality emissions analysis should take this into account. 10

At page 3.3-24 with regard to Impact 3.3-2 you concede that the project could violate an air quality standard or contribute substantially to an existing violation with regard to NO_x and you have termed this impact significant and unavoidable. We note that if you were to defer construction of one or more discharge structures into 2017 you would not have a significant impact; thus, the significant impact is avoidable and capable of mitigation. 11

At page 3.3-28 concerning Impact 3.3-3 you recognize that the area is in nonattainment for ozone, PM_{10} and $PM_{2.5}$. Yet you rely on SCAQMD's cumulative impact methodology to conclude that because the individual project does not result in emissions of criteria pollutants in excess of its thresholds, you need do no more. We take issue with SCAQMD's methodology and do not find it reliable. Under CEQA an analysis of cumulative impacts is meant to look at whether a project *in combination with other projects* has a cumulative effect. In any event there is a duty to mitigate the impacts relating to NO_x. We recommend you consider reducing your construction activities while school children are present at the school across the street. 12

At page 3.3-30 you state that Local Significance Thresholds ("LST's") at a receptor distance of 82 feet are used conservatively even when the receptor is closer. Some of the receptors likely are closer and thus SCAQMD's numbers are underestimates. The impact therefore is greater and may exceed the LST's for PM_{10}, $PM_{2.5}$ (*see* Table 3.3-12). 13

At page 3.3-33 you state that the two year construction period is much less than the 70-year period used for risk determination by OEHHA. This is for cancer risks. OEHHA has recognized that Diesel Particulate Matter ("DPM") can inflame the airways, enhance allergic responses, and make children more susceptible to allergies and asthma. DPM is one of "five toxic air contaminants that may cause children and infants to be especially susceptible to illness." OEHHA Press Release No. 01-02 (Sept. 18, 2001) (included as Attachment 1). The conclusion that this potential impact is less than significant without even discussing it is an abuse of discretion. 14

At page 3.3-33 you also contend that the operational emissions of Toxic Air Contaminants ("TACs") from the planned cogeneration facility will be dealt with in an air permit from SCAQMD. This is segmentation. You should have evaluated the operational emissions from the cogeneration facility *in this document.* CEQA is meant to inform the public and decisionmakers about the environmental consequences of decisions *before* they are made. This document does not disclose the size of the proposed cogeneration facility or the TACs it would likely emit. 15

On the same page under Impact 3.5-5 you recognize that the proposed project could create objectionable odors affecting a substantial number of people. You claim that a 16

complaint response protocol and operating procedures will reduce these impacts to less than significant. We do not believe this is adequate. Further, you have not specified that the trucks for biosolids would be enclosed – we think this mitigation should be added. 16

Biological Resources

At page 3.4-5 the DEIR concedes that the assessment of the biological resources for the Twin Creek Spreading Grounds was conducted as a "desktop exercise" and "must be field verified." We think that should have been done for this DEIR as it is what the agency and the public will rely upon in making a decision regarding the project as well as this aspect of the project (again, you have not specified how much water is going to go to each of the four outlets you have planned for). 17

Impact 3.4-1: Construction and operation of the project could have a substantial adverse effect, either directly or through habitat modifications on plant and wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

With regard to special status plants, we note that Mitigation Measure BIO-1 only provides for compensation or relocation of *state or federally listed* species. *See* DEIR at 3.4-55. You have an obligation to mitigate significant impacts and you have not dealt with a number of special status plants other than those that are listed species. We don't believe the HCP addresses all of them either. Also there should have been focused plant surveys done as part of the DEIR, not afterward. The public is entitled to know what the project will do. From what we can tell from your Biological Resources Report special status plants with a high probability of being in the project area along the floodplain of City Creek include the Plummer's mariposa lily, the smooth tarplant, the Parry's spineflower and the white-bracted spineflower. 18

At 3.4-46 to 3.4-47 you indicate that terrestrial wildlife species could be impacted by the construction of discharge facilities in City Creek or other locations (again, you did not do the surveys to look for these species before doing the EIR, which is a separate CEQA violation). You state that Mitigation Measure BIO-2 requires that "Valley District would compensate for the impact through compliance with the state and federal Endangered Species Acts." However, this only relates to *listed* species and not special status species. Impacts to other special status species could therefore be significant. You are required to mitigate for these impacts. That means you should have done the surveys and identified mitigation measures for these species in the EIR. 19

The DEIR states that the western burrowing owl has the presence to be at the site of the proposed SNRC or its pipelines. "Presence/absence of this species must be determined prior to the start of construction." DEIR at 3.4-47. Focused surveys should have occurred prior to the drafting of the EIR so the public and responsible agencies would know this before Valley District passed upon the project. Regarding the burrowing owl and other special status, non-listed species, the DEIR claims that Mitigation Measure BIO-2 would require pre-construction surveys and "removal" of the species from 20

construction areas. What, exactly, do you propose to do with them? The Mitigation Measure (listed at 3.4-55) only deals with state or federally listed species. There thus is no mitigation. What does this "removal" entail? This is why these surveys should have been done already, so that solutions could be found in advance. The public and responsible agencies should have the opportunity to consider what should happen to these species. 20

Also at 3.4-47 you state that the operation of the discharge facilities at City Creek will result in a change in the habitat from Riversidean Alluvial Fan Sage Scrub ("RAFSS") to Cottonwood-Willow Riparian Forest, which you acknowledge is not suitable for the federally listed SBKR (the San Bernardino Merriam's Kangaroo Rat). This is in critical habitat for the species and we believe it is adverse modification in violation of the federal Endangered Species Act. You state that implementation of Mitigation Measure BIO-2 would ensure that impacts would be "avoided where feasible and appropriately compensated when unavoidable through consultation with the CDFW and USFWS." Mitigation Measure BIO-2 does not acknowledge that the Upper Santa Ana River Habitat Conservation Plan has not been implemented. Thus compensation is not presently possible, and avoidance is not feasible in the case of the SBKR. 21

At 3.4-48 you indicate there could be construction impacts to special status aquatic wildlife (including the western spadefoot and the western pond turtle) by the construction of the discharge facilities in City Creek and possibly the East Twin Creeks Spreading Grounds basin. Again you state that "Mitigation Measure BIO-2 would require pre-construction surveys to clear the construction zone of these species." As noted above Mitigation Measure BIO-2 only deals with state or federally listed species. There is no provision for habitat or conservation for these other special status species. 22

On the same page you are inconsistent as to the results of the Reduced Discharge Study included in the Appendices. Here it states that it would reduce the wetted area by 6 percent, not 3 percent, and result in an average change in velocity class by 2 percent (not exceeding 6 percent) of the total channel area (earlier you said 3 percent). We are glad that you were conservative and concluded in the report that there could be a significant impact to the Santa Ana sucker ("SAS"), as is discussed at 3.4-51. 23

At page 3.4-51 as well you mention that Valley District is preparing an HCP for the Upper SAR "while allowing for a number of covered projects to proceed." You do not list these projects which could have cumulative effects to the present project. You should have discussed them in the Cumulative Impacts discussion of the DEIR but did not. In fact the DEIR notes that there are other projects which could further reduce the flow at RIX, but you do not mention them or the magnitude of their potential reduction. This is a critical flaw in the DEIR. 24

At 3.4-52 you indicate that one of the proposed projects within the as-yet unfinalized Upper SAR HCP may be to introduce flows to City Creek. We are unsure whether this will mitigate impacts to the SAS as there have been no sightings of the SAS in City Creek since 1982 and the substrate may not be suitable. 25

At 3.4-52 to -53 you list aspects of a Habitat Mitigation and Monitoring Plan ("HMMP") which you propose in lieu of the HCP. Reliable funding is needed for all aspects of the HMMP listed. What is the funding, when will it be established, and how are we to rely upon it? Note that HMMP measure SAS-5 includes discharge into the Rialto Drain, which will require a discharge permit from the Regional Water Quality Control Board. When will this be obtained? Also in this chart SAS-6 requires "establishment" of an SAS population in City Creek. When and how do you propose that this will happen relative to the cutoff of flow at RIX? These questions should have been answered before the DEIR was drafted. The agency and the public should have information on impacts and mitigation measures before it passes on the project. Again, we have not been informed of the magnitude of the flows proposed at City Creek. 26

Less reduction in the discharge at RIX, that is, piping more of the effluent in the SAR pipeline that you propose to refurbish, could reduce impacts to the SAS. 27

At 3.4-54 you state, under "Construction Impacts" to critical habitat (it really should be under operational impacts), that the reduction in RAFSS at City Creek would reduce the amount of habitat for the SBKR. Yet you conclude without analysis that this is not "adverse modification." We disagree. In any event, it is an impact under CEQA – one that is apparently not mitigated. You state without support that "[a]dditionally there is potential for the project to improve SBKR habitat and terracing along the edges of the Creek which would result in additional function and quality." We'd like support for this statement. We believe introducing flows into the Creek will reduce habitat for the SBKR. 28

You also reiterate on that page that habitat for the SAS can be developed in City Creek. We are concerned for the reasons stated earlier. 29

At page 3.4-55, you state "Therefore, there will be no adverse modification of Critical Habitat as a result of the operational requirements of the project." We disagree both as to the modification of RAFSS which is likely to support the SBKR at City Creek, and as to the reduction in flow below RIX as to the SAS. Also at page 3.4-54 to 3.4-55 you state that the drainage of water into City Creek "or other basins" will support the growth of riparian habitat. But this is not critical habitat and you have not convinced us that you are not destroying or adversely modifying critical habitat. In fact, the construction of drainage channels in City Creek will destroy critical habitat for the SBKR. 30

At 3.4-55 you list Mitigation Measure BIO-1. This calls for focused plant surveys (which should have been done already) and for the relocation of state or federally listed plants. As you know, CEQA concerns itself with more than merely state or federally listed plants. There should be plans for the relocation of nonlisted species of special concern. Also (and this is one of the reasons why focused surveys should have been done already) there is no guarantee that relocated plants will survive, and usually relocation also involves attempts to propogate additional specimens of the species. You have no provision for this in the DEIR. 31

At 3.4-55 to -56 you have Mitigation Measure BIO-2. Again, CEQA concerns itself with more than state or federally listed animal species. Your mitigation measure does not include any steps to protect special status species other than federally or state listed species, except with regard to the burrowing owl. With regard to the burrowing owl, you propose passive relocation "if burrowing owl avoidance is infeasible," even during nesting. We believe you are required under CDFW guidance to wait until the nesting season has ended. This is not presently included in Mitigation Measure BIO-2. 32

We have commented on our concerns regarding Mitigation Measure BIO-3, regarding the SAS, previously. We note with regard to the SAS that the USFWS Draft Recovery Plan, included in your Appendices, indicates that the highest priority for the recovery of the SAS is "implementation of management actions to restore and improve habitat conditions *throughout the current range* of the species." Draft Recovery Plan at iii (emphasis supplied). That includes in particular below the RIX discharge. We do not think withdrawing waters from the RIX discharge contribute to the recovery of the species. 33

At 3.4-58 you concede that Impact 3.4-1 ("Construction and operation of the project could have a substantial adverse effect, either directly or through habitat modifications on plant and wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS") could be significant and unavoidable. As stated above you do not adequately mitigate for these impacts, nor do you analyze them sufficiently. 34

At 3.4-58 to 3.4-59 you conclude that Impact 3.4-2 ("Construction of the project could result in potential direct and indirect impacts to riparian habitat and other sensitive natural communities identified in local or regional plans, policies, and regulations or by CDFW or USFWS") would be less than significant. Yet you concede that both construction and operation of the project within City Creek will affect (that is, ultimately eliminate) the RAFSS habitat there. This is a "sensitive natural community identified . . . by CDFW or USFWS." We disagree with your significance determination, and believe you have to mitigate for it. You have not identified any mitigation measures other than Mitigation Measure BIO-4, which requires the installation of drip pans and other measures to limit machinery spills and entrapment of animals. This does not address impacts to the habitat. Additionally, Mitigation Measure BIO-4 does not address direct construction impacts to terrestrial animal species by the presence of workers and machinery. We believe the impacts are significant and mitigation is not adequate. Workers should be trained to avoid sensitive species, among other things. 35

Also on these pages you conclude that impacts to plants will be reduced to less than significant levels by Mitigation Measure BIO-1. Again, this only deals with listed plants. 36

At 3.4-61 you conclude that Impact 3.4-4 ("Construction of the project could result in the interference 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") would be less than significant. We believe the SAR 37

below RIX is a native wildlife nursery site and corridor for the SAS and that reduced flows could impact this site. You have previously concluded as much yourselves. The impact should be listed as significant. Your conclusion that the diversion to City Creek could increase the potential for SAS migration in the future is presently unsupported. 37

At 3.4-61 to 3.4-62 you have Mitigation Measure BIO-5. It indicates that you do not plan to engage in construction activities from February through August. It is not apparent that you actually plan to avoid these construction months based on your Air Quality modeling. In the alternative you indicate that you will develop a "suitable buffer" for any active nest observed. You do not define "suitable buffer." Also you state that onsite monitoring "may" be required. We do not believe your conclusion that impacts to avian species is less than significant has a basis with the present mitigation measure. 38

At 3.4-63 to 3.4-64 you include a brief discussion of cumulative impacts, noting that the City of San Bernardino and the City of Rialto are also considering projects that would contribute to a further reduction of the flow at RIX. You should quantify the potential impacts of those other projects. We have no guarantees that the other agencies will sign on to an Upper SAR HCP or that such an HCP (or additional HMMPs) will work. As you concede, at some point, "flow reductions would result in direct impacts to the [SAS] and mortality of fish." These cumulative projects should, at a minimum, be gradually introduced so that we can be assured that your mitigations will work. We are unsure that the agency has any ability to assure this. Accordingly, a functioning HCP is vital. 39

Cultural Resources

At 3.5-40 you conclude that there is no significant impact with regard to historical or archaeological resources ("The project could have a significant impact if it would cause a substantial adverse change in the significance of a historical or archaeological resource, as defined in CEQA Guidelines Section 15064.5") based on implementation of Mitigation Measures CUL-1, CUL-2, and CUL-3. These mitigation measures require the hiring of a qualified archaeologist to conduct a Phase I survey, having that archaeologist train all construction personnel, and ceasing all activities within 100 feet in the event of a find, until it can be evaluated. We don't believe you can conclude impacts are insignificant when you do not know what is there. Why wasn't an archaeologist contracted to review the site beforehand? 40

At 3.5-42 you conclude there would be no significant impact to tribal resources ("The project could have a significant impact if it would cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074"). We do not see how you can determine the impact is less than significant before conducting a detailed search for such items. Only Mitigation Measure CUL-5, relating to human remains, calls for consultation with the California Native American Heritage Commission ("NAHC"), and none of your mitigation measures call for consultation with individual tribes. 41

Geology and Soils

The SNRC site is located between two Alquist-Priolo fault zones in an area where the liquefaction probability is high. *See* Figure 3.61 at 3.6-5. At page 3.6-4 you acknowledge that "The probability of an earthquake of a Mw of 5.0 or higher occurring within about a 50 kilometer radius of the proposed SNRC site within the next 20 years is between 80 and 100 percent (USGS, 2009)." The peak ground acceleration ("PGA") estimated for this site is 1.036 g when it was listed at 0.64 near the epicenter of the Loma Prieta earthquake, "which using the modified Mercalli intensity scale would be considered a violent event at Intensity IX." This means – according to the DEIR at 3.6-6 – that there would be "Damage considerable in specially designed structures; well designed frame structures thrown out of plumb; great in substantial buildings with partial collapse; buildings shifted off of foundations; ground cracked conspicuously; underground pipes broken." Despite this information Valley District has prepared an EIR without a geotechnical study. As the DEIR itself notes, "Geotechnical studies are essential for facility and pipeline design because it is information that informs the structural design of the foundation *and determines whether the geologic materials underlying the proposed facilities are capable of supporting the proposed uses.*" DEIR at 3.6-19 to 3.6-20 (emphasis supplied). Since you have not yet done this evaluation it is not possible to determine whether the SNRC can be safely built. At DEIR 3.6-20 you concede that your impact analysis "assumes that geotechnhical recommendations . . . would be fully implemented," however you have not informed the public of what they are. We doubt that your Air Quality analysis assessed the impacts of criteria pollutants from the massive cut-and-fill activities that would be necessary if soils underneat the project were (as they likely are) determined to be inadequate to prevent liquefaction. 42

At DEIR 3.6-21 you baselessly conclude as to Impact 3.6-1 that "The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault; strong seismic ground shaking; or seismic-related ground failure, including liquefaction or landslides." We don't see how you can reach this conclusion based on the location of the project and the information you have already given us, without even a geotechnical study of how the project can safely be implemented. There clearly can be injury or death not only of SNRC workers but residents in the area assuming there is a halt to the safe functioning of a sewage plant. This is a public health concern you have ignored entirely. 43

On the same page you note the grounds underneath the plant could be subject to liquefaction. You identify methods to correct this but none are identified as Mitigation Measures. You can't define those mitigation measures because you have not quantified the extent of the problem. This deferral violates CEQA. Meanwhile you concede that "an earthquake with a magnitude of 5.0 or higher has a 90 to 100 percent chance of occurring in the San Bernardino region within the next 20 years." 44

At DEIR 3.6-22 you state that the area of the SNRC has undergone historical subsidence but that the project would not be subsidence for unknown reasons. Though the project 45

involves groundwater recharge you cannot guarantee that there will not be subsidence and this should be acknowledged as a potentially significant impact. 45

Greenhouse Gas Emissions

At DEIR 3.7-14 you conclude there would be no significant impact from the operation of the SNRC because the emissions from the SNRC would be offset by reduced emissions from the SBWRP. The fact remains that the construction of the SNRC would increase capacity for water recycling and that capacity would likely be (if not now, later) used. As such you should have evaluated the combined GHG emissions from the two plants at full capacity. 46

Hazards and Hazardous Materials

At 3.8-14 with regard to Impact 3.8-2 you conclude the proposed project "would not result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school." To the contrary, it would. As you note, the project is within one-quarter mile of the Indian Springs High School (actually, it is adjacent to it), as well as Highland Head Start day care center and Laura's Day Care. The fact that all hazardous materials would reportedly be "used in compliance with existing federal, state, and local regulations" does not change the fact that you are using hazardous materials within less than a quarter mile of a school. This is a risk the school children are exposed to that they were not exposed to before. You have no basis for concluding that this impact is less than significant. As such, you need to identify plans to mitigate this impact. Specifically, you should include hazardous materials handling requirements in the DEIR. 47

Hydrology and Water Quality

At Impact 3.9-1, at DEIR page 3.9-21, you indicate that the proposed project would discharge effluent into City Creek, which has an intermittent MUN designation – that is, it is drinking water. The effluent is tertiary treated recycled water which has been identified as permissible for full body contact but not for drinking. As you note this means that the MUN designation would have to be removed or the Division of Drinking Water would need to allow the discharge. This is a potential (serious) violation of a water quality standard and a public health issue. We don't believe you have mitigated this impact to a level of insignificance merely by changing the water designation or by getting a discharge permit. The water quality will be reduced. 48

At DEIR 3.9-22, you also note that discharge to City Creek, the East Twin Creek Spreading Grounds or Redlands Basins could result in effluent infiltrating into groundwater that is designated MUN. This presents the same issue. You say "compliance with WRR and NPDES discharge limits would be protective of MUN beneficial uses," but elsewhere you note that the groundwater basins need assimilative capacity for TDS and nitrate. Are there any guarantees that the effluent will not go into Bunker Hill Basin B, which does *not* have assimilative capacity? The DEIR contains no 49

maps from which we can reach any conclusion on this issue. At 3.9-23 you indicate Valley District will have to prepare an antidegradation analysis – that should have been done in conjunction with the DEIR. Mitigation Measure HYDRO-2 at 3.9-23 would require the District to install a groundwater monitoring network, and if that monitoring finds neighboring wells to be adversely affected, the District would have to either modify treatment, modify the wells by screening them, *or compensate the well owner through providing a replacement well or water.* This is a major potential impact and the mitigation measure does not (by providing replacement water) reduce it to less-than-significant levels. 49

At 3.9-24 regarding the potential for excessive siltation (Impact 3.9-3, "The project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation or flooding on- or offsite"), you indicate that the project could alter the existing pattern of drainage at City Creek and that this could result in "minor" sediment transport. On what basis do you conclude that it would be "minor"? 50

Regarding Impact 3.9-9 you conclude that the reduced discharge would not adversely affect downstream uses but you acknowledge that there are other cumulative recycled water projects which will reduce flows from RIX and that eventually maintaining minimal flow commitments will be the responsibility of the District. You should have identified the other potential cumulative projects, their timing and the quantity they will withdraw from RIX, as well as how you intend to maintain minimum flows. 51

Land Use

DEIR page 3.10-10 concludes that the Business Park designation is "generally consistent" with the use planned for the SNRC. We disagree. Highland's General Plan designation for Business Park facilities allows for "light industrial facilities and administrative facilities." A sewage treatment plant is a heavily industrial facility. At 3.10-11 you concede that you are relying on Gov. Code section 53091 which exempts you from zoning ordinances. That does not make the project consistent with the land use designation. This is a significant impact and should be identified as such. 52

Noise

Impact 3.11-1 recognizes that the project could result in exposure of persons to noise levels in excess of standards established in a local general plan or noise ordinance. The DEIR acknowledges that intermittent noise levels that are substantially greater than the existing ambient noise levels will be generated. You claim that the implementation of Mitigation Measure NOISE-1 will minimize the effects of construction noise "to the maximum extent feasible," but the Mitigation Measure merely says steps "may" include noise barriers, curtains, or shells. The project is adjacent to a school. Noise barriers, curtains, or shells should be required, as should be mufflers on all machinery. 53

Environmental Justice

The SNRC would be bordered on three sides by low income residential areas and a public high school. You emphasize the community meeting offerings of the Administration Center but do not provide any indication that these facilities will be made available to local residents. Morever, this is a sewage treatment plant in what you concede is a highly impacted community. 54

Public Services, Utilities and Energy

With regard to Impact 3.13-2 you indicate the project would have a significant impact if it would exceed the wastewater treatment requirements of the applicable RWQCB and you note that the valley segment of City Creek has an intermittent MUN designation. With regard to the discharges to City Creek we note that you apparently need them for habitat for the planned HCP or the HMMP. If you cannot get a permit from the DDW then this planned (potential, untested) habitat is at risk. You conclude this impact is less than significant – this depends on whether you can (or should) get the permit. 55

Cumulative Impacts

Your cumulative impact analysis, DEIR 4-1 *et seq.*, represents an abuse of discretion. You chose to list a series of public works projects in some cities and then other types of construction projects in the City of San Bernardino. With regard to biological resources, you should have been focusing on a list of other water recycling projects that will affect SAR habitat including the SAS.[1] We see no basis for your using public works projects within a five mile radius of the project. If you were looking to air quality impacts, which you did not analyze in any detail at all, it is totally illogical to limit your list to public works projects. 56

At DEIR 4-12 you use the SCAQMD threshold that only if a project has a significant impact on its own will it have cumulative impacts. This threshold is contrary to the CEQA Guidelines and should not be relied upon. 57

At DEIR 4-13 you assess biological resources cumulative impacts and you acknowledge the other projects that may reduce flows from RIX but you do not quantify this reduction. Also you acknowledge that the cumulative reduction in water could reduce riparian vegetation but you claim that Mitigation Measure BIO-3 requiring reduction of invasive vegetation would reduce this impact to less-than-significant levels. The mitigation measure does not indicate how long the agency is committed to reducing invasive vegetation or who specifically is going to do it. Moreover, if the water flow is reduced the riparian vegetation will almost certainly be reduced regardless, and this is a significant impact. 58

[1] At DEIR 4-4 you do include the Clean Water Factory planned by SBMWD, but you do not analyze the impacts to flow with any numbers as to quantity of reduction.

At DEIR 4-13 we are told that at a greater than 12 MGD reduction from RIX there would be direct impacts to SAS and mortality of fish. Yet we do not know the scope of the other water recycling projects so we cannot determine how likely this impact will be. 59

At DEIR 4-15 with regard to GHG emissions, you simply state that the project on its own won't have a significant impact on emissions. We disagree with any threshold that states that a project is not cumulatively significant if it is not significant on its own. 60

Growth Inducement

At DEIR 5-4 you indicate that because the project is limited to the provision of water supply infrastructure, as opposed to housing or community development, "the proposed project would not directly contribute to the creation of additional housing or jobs." However, the recycled water supply improves the overall water supply for the region, including, apparently, MUN water, so it can lead to growth inducement, and you should acknowledge this. As you acknowledge at DEIR 5-5, the facility removes an impediment to growth. The fact that the Cities of Highland and San Bernardino have adopted Statements of Overriding Consideration for the significant unavoidable environmental effects of further planned growth in their General Plan EIRs does not absolve you of acknowledging an impact and mitigating for it. 61

Alternatives Analysis

At DEIR 6-6 you discuss the different discharge alternatives. You do not indicate here or anywhere else in the document the magnitude of flows from each of the discharges and it appears you intend to rely on all four of them. You should quantify what your plan involves as it is critical, and this is one of the reasons why the DEIR should be revised and recirculated (with the studies you are presently missing). 62

At DEIR 6-7 you state that three alternatives have been considered but your analysis includes four (other than the proposed project and the no project alternative). 63

With regard to your alternatives analysis proper, you need to choose an alternative site that would make a difference in the proposed project, at least from an environmental justice perspective. Alternative 2 does not do this. Also with regard to Alternative 2 the Cultural Resource impacts could be different but we don't know because you have not evaluated them at either site. 64

At DEIR 6-17 with regard to the Reduced Capacity Alternative we do not believe you have adequately described or analyzed the alternative. Only if you do not send water down the SAR Pipeline would there not be a reduction in the withdrawal of water from RIX. There is no point in analyzing the Reduced Capacity Alternative if you don't simultaneously send some of it to RIX. (Again, you should be specifying how much goes to each outlet.) 65

At DEIR 6-19 with regard to the Reduced Capacity Alternative as to Transportation and Traffic you have only looked at employee trips and deliveries rather than the reduction in biosolids trucks leaving the facility. This improperly skews your analysis. Also on that page you indicate there would be greater secondary effects to growth due to the Reduced Capacity Alternative. We think the opposite would occur. It would create an obstacle to growth and would reduce growth. 66

At DEIR 6-19 to 6-21 you evaluate creating a fifth source to send water to at Plunge Creek Basins but we can't evaluate it because we don't know how much water would go to the other sites or to this one – under the original alternative (the planned project) or the Plunge Creek Basins alternative. At 6-21 you indicate that Land Use and Planning could be subject to the Wash Plan HCP. What is this? You indicate there would be greater impacts to land use – what, specifically? There is no basis for evaluating this alternative as you have not provided a map indicating where it is. 67

At DEIR 6-22 you evaluate a "Reduced Diversion Alternative," which would construct the proposed project but would return 3 MGD at all times to the RIX facility. *How does this differ from the proposed project?* You state the proposed project would only divert 6 MGD from RIX when it is as 10 MGD plant. The public has no basis for evaluating what you are proposing here. On the same page you conclude that this Reduced Diversion Alternative would still have a significant and unavoidable impact on biological resources. Your reduced flow study does not support this conclusion as it seems to imply that even 6 MGD would not have an impact. That aside, it is clear that the difference between 3 MGD and 6 MGD could be significant for the SAS. 68

At DEIR 6-24, 6-25, despite the presence of the Reduced Diversion Alternative, you conclude that the project is the environmentally superior alternative because there will be more habitat mitigation. We frankly find this absurd. There is no viable habitat for the SAS in City Creek at this time and there are no guarantees that you can create it. It is simply not as good as existing habitat, much less better. 69

Additional Comments

You have not indicated what security you will have for the plant or the security of the cogeneration plant. You have indicated that you may require an electrical substation but you have not evaluated its potential impacts or hazards. In your Project Description you have not identified the types of wastewater facilities or the processes for each type other than those of the proposed project. 70

We look forward to your responses. Please forward a notice of availability of the Final EIR to collins@blumcollins.com and bentley@blumcollins.com. Thank you.

Sincerely,

Craig M. Collins

Serrano

From the Desk of Anthony Serrano

Sent Via E-Mail "tbarnes@esassoc.com"

TO: San Bernardino Valley Municipal Water District
c/o Tom Barnes, Environmental Science Associates
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017

FROM: Anthony Serrano, Local Taxpayer
7517 Mr. McDuffs Way
Highland, CA 92346
(909) 496-4733 Cell/ e-mail "anthonyaserrano@gmail.com"

DATE: Monday, February 1, 2016

SUBJECT: **Comments Submitted**
Sterling Natural Resource Center Environmental Impact Report

Thank you for the opportunity to submit comments, I support the proposed project but I have concerns and I have read section 1.4.5 of the report that states the following:

"1.4.5 Final EIR Publication and Certification

Once the DEIR public review period has ended, Valley District will prepare written responses to all comments. The Final EIR will be comprised of the DEIR, responses to comments received on the DEIR, and any changes or corrections to the DEIR that are made as part of the responses to comments. As the Lead Agency, Valley District has the option to make the Final EIR available for public review prior to considering the project for approval (CEQA Guidelines §15089(b)). The Final EIR must be available to commenting agencies at least 10 days prior to certification (CEQA Guidelines §15088(b)).")

My comments are:

1. **Costs -** my original questions submitted dated November 15, 2015, question #22 asked for costs. Your report does not include any costs for the "cost/benefit scenarios for the mitigation of alternatives?" Public Resources Code 21001. ADDITIONAL LEGISLATIVE INTENT: The Legislature further finds and declares that it is the policy of the state to: ***"(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment."*** If your report does not include any cost information will the Lead Agency be proving the cost information pursuant to state law? 1
2. **Harmony Project in City of Highland** - Mr. Steve Rogers and I met with Mr. Larry Mainez, Director Community Development week of week of January 25, 2016 and Larry stated that the City has had many meetings and discussions to connect the Harmony Project into the proposed waste water treatment facility but your report does not include any provisions for the connection? Has your team have any records or plans for the connection? 2
3. Lockheed Martin - your report does not include any references to the water pollution cause by Lockheed. Attached is a recent report dated year 2011. 3

Thank you.

W/attachment

From: Tom Barnes
To: Camille Castillo
Subject: Fwd: Anthony Serrano and SNRC comment letter?
Date: Tuesday, February 02, 2016 1:25:04 PM
Attachments: 2-1-2016 Tom Barnes re Comments Sterling Natural Resource Center EIR.doc
110215K5-att2.pdf

Tom
323-829-1221 cell

-------- Original Message --------
Subject: FW: Anthony Serrano and SNRC comment letter?
From: Heather Dyer <heatherd@sbvmwd.com>
To: "Elie, Steve (S.Elie@MPGLAW.com)" <S.Elie@MPGLAW.com>,"Jean Cihigoyenetche (JeanCihigoyenetche@cgclaw.com)" <JeanCihigoyenetche@cgclaw.com>,"Jane Ellison Usher (j.usher@mpglaw.com)" <j.usher@mpglaw.com>,"Aladjem, David" <daladjem@DowneyBrand.com>,"Pearson, Amanda MacGregor" <apearson@DowneyBrand.com>,Tom Barnes <TBarnes@ESASSOC.COM>,'"ash@akdconsulting.com"' <ash@akdconsulting.com>
CC: Kelly Malloy <kmalloy@eastvalley.org>

Heather

~~~~~~

Heather Dyer
Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way, San Bernardino, CA 92408
909-387-9256
heatherd@sbvmwd.com

From: Anthony Serrano [mailto:anthonyaserrano@gmail.com]
Sent: Tuesday, February 02, 2016 1:11 PM
To: Heather Dyer <heatherd@sbvmwd.com>
Subject: Re: Anthony Serrano and SNRC comment letter?

2-2-2016: Heather - thank you for your e-mail inquiry and here are the two docs I sent to Tom Barnes yesterday via e-mail re my three comments...I kept my comments short. One of my comments dealt with the old Lockheed Martin polluting problem and my expanded comments are provided below. Based on this information, I think Tom Barnes needs to provide some followup to his Draft EIR to adresss this issue as well as the other issues raised.

4

<u>Lockheed Martin Propulsion Company Polluting</u>
Given the problems in Flint, Michigan with the "lead" related problems in their water...here locally we have had an ongoing problem with the old Lockheed Martin Propulsion Company
~~~~~~

polluting Bunker Hill Basin and the Mill Creek spreading grounds BUT Tom Barnes did not address the issue in his Draft EIR? If we, as local taxpayers, are going to pay for a new state-of-the-art waste water treatment facility.....the Lead Agency should insist that this ongoing environmental issue is identified and some type of mitigation plan be put in place once and for all to avoid any future problems OR contaminating the new waste water treatment facility? 4

2/15/2011 Report

Attached is a 7-page report dated 2/15/2011 (almost 5 years ago to the date) that was used in a City of Redlands Council Meeting Agenda. Many other documents exist on this issue.....but Tom Barnes failed to address the issue and provide any information as to the status of the old problem? Two key paragraphs listed in the report are restated below:

a) "investigating and remediating a plume of trichloroethylene ("TCE") and a plume of perchlorate in the Bunker Hill Basin (together, the "Plume") pursuant to Cleanup and Abatement Orders Nos. 94-37, 97-58 and 01-56 issued by the Santa Ana Regional Water Quality Control Board (the "Regional Board")," and 5

b) "observations in monitoring wells located at the former Lockheed Propulsion Company site ("Site"), much of which is currently the San Bernardino Valley Water Conservation District's Mill Creek spreading grounds (used for ground water recharge) in the community of Mentone, suggest that there may be releases of residual perchlorate in soils to groundwater at the Site during periods of high groundwater levels that are caused by high precipitation or recharge operations."

On Tue, Feb 2, 2016 at 10:48 AM, Heather Dyer <heatherd@sbvmwd.com> wrote:

> Hi Anthony,
>
> Were you still planning to submit a formal comment letter on the project? I just wanted to make sure that I didn't miss it somehow.
>
> Thanks,
>
> *Heather*
>
> ~~~~~~
> Heather Dyer
> Water Resources Project Manager
> San Bernardino Valley Municipal Water District
> 380 East Vanderbilt Way, San Bernardino, CA 92408
> 909-387-9256
> heatherd@sbvmwd.com

AGREEMENT WITH LOCKHEED MARTIN CORPORATION FOR REIMBURSEMENT OF CITY OF REDLANDS COSTS ASSOCIATED WITH BLENDING OF AGATE No. 2 WELL.

This agreement for reimbursement of the City of Redlands' costs for blending of the Agate No. 2 well ("Agreement") is made this 15th day of February, 2011 ("Effective Date"), by and between Lockheed Martin Corporation ("LMC") and the City of Redlands ("City"). LMC and the City are sometimes individually referred to herein as a "Party" and, together, as the "Parties."

RECITALS

WHEREAS, LMC has been investigating and remediating a plume of trichloroethylene ("TCE") and a plume of perchlorate in the Bunker Hill Basin (together, the "Plume") pursuant to Cleanup and Abatement Orders Nos. 94-37, 97-58 and 01-56 issued by the Santa Ana Regional Water Quality Control Board (the "Regional Board"); and

WHEREAS, consistent with that effort, LMC prepared a Water Supply Contingency Plan (the "Plan") which was approved by the Regional Board in March 1997; and

WHEREAS, LMC has taken several measures, since March 1997, to implement and execute the Plan, including the financing and construction of new potable water supply wells for the City, static mixing systems to improve blending capacity, and perchlorate treatment for the City's Rees well; and

WHEREAS, observations in monitoring wells located at the former Lockheed Propulsion Company site ("Site"), much of which is currently the San Bernardino Valley Water Conservation District's Mill Creek spreading grounds (used for ground water recharge) in the community of Mentone, suggest that there may be releases of residual perchlorate in soils to groundwater at the Site during periods of high groundwater levels that are caused by high precipitation or recharge operations; and

WHEREAS, the release of residual perchlorate in soils has the potential to subsequently cause concentrations exceeding water quality standards at City water supply wells located downgradient of the Site, in particular the Agate No. 2 and possibly the Rees well; and

WHEREAS, pursuant to an agreement between LMC and the City dated November 17, 2009, LMC has retrofitted existing equipment at the Rees well to provide perchlorate treatment, location and is funding operations and maintenance of the treatment plant operations; and

WHEREAS, observations and analyses performed by LMC and shared with the City indicate that impacts at the Agate No. 2 well from such releases are projected to be brief (on the order of a few months), infrequent (not more than every two to three years), and decreasing in magnitude (as a result of decreasing mass of perchlorate in the soil); and

WHEREAS, the City has plans to modify the Agate Reservoir and associated piping to improve blending of the sources of water to this reservoir, which includes the Agate No. 2 well; and while these modifications are designed to address issues minimizing disinfection by-products and contaminants in the Agate No. 1 and Crafton wells, they will also address the projected potential future perchlorate impacts to the Agate No. 2 well to the benefit of LMC;

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for such other good and valuable consideration the receipt of which is hereby acknowledged, the City of Redlands and Lockheed Martin Corporation agree as follows:

AGREEMENT

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Purpose and Intent

2.1 The purpose of this Agreement is to protect the public health, to fulfill in part the requirements set forth by the Regional Board (correspondence to LMC dated July 31, 1996) and to implement the Water Supply Contingency Plan Requirements in that correspondence.

2.2 This Agreement's specific objective is to ensure that the City has use of its Agate No. 2 well, unencumbered by concentrations of perchlorate which have the potential to briefly and occasionally exceed the current Maximum Contaminant Level ("MCL") of 6 µg/L.

2.3 This Agreement is not an admission or acknowledgement in fact or law by LMC that it is responsible for the perchlorate contamination, TCE contamination or any other contaminants, or their potential adverse effects on the public health or environment.

Section 3. LMC Responsibilities and Actions. LMC shall have the following responsibilities and actions:

3.1 LMC shall review and comment on design plans and specifications developed by the City's contractors who are responsible for designing and constructing the modifications to the Agate Reservoir and associated appurtenances (the "Modification Work"). The Modification Work will be performed on the City's existing reservoir and equipment currently located at 1580 Agate Avenue, San Bernardino County. The objective of the Modification Work is to improve blending performance and capacity for water from sources to the reservoir to assure that the City's water supply complies with California Department of Public Health ("DPH") drinking water requirements.

3.2 LMC shall review the scope of work and bid and contract documents prepared by the City for the Modification Work and provide comments to the City for its review and approval prior to construction. The bid and contract documents will be the basis for establishing the amount of the costs for the Modification Work that LMC will fund to the

City. LMC will fully fund the costs for the elements of the Modification Work in the scope of work of the bid and contract documents that are directly related to the blending of water from the Agate No. 2 well. The initial amount to be funded will be established prior to initiating the Modification Work. It is likely that there will be changes to the scope of work and to project costs during the execution of the Modification Work. To address such changes, LMC agrees to add ten percent to the initial amount for costs of the agreed-upon elements of the Modification Work. LMC shall consider, but shall not be obligated to fund, changes to the scope of work. LMC shall also have the opportunity to request changes to the scope of work, and will additionally fund the specific costs for such changes.

3.3 LMC will not be responsible for operations or maintenance of the Agate Reservoir, associated appurtenances, or the Agate No. 2 well, nor any other asset of the City unless specified under another agreement between LMC and the City.

3.4 LMC is funding the Modification Work in accordance with this Agreement only to address impacts resulting from perchlorate. If additional contaminants or degradation products attributable to past LMC operations at its former Mentone site are identified at concentrations exceeding applicable state and federal water quality standards (i.e., state or federal MCL or state NL), the Parties shall meet and confer to identify and implement a mutually-acceptable solution to the issue.

3.5 LMC shall reimburse the City for any necessary analytical testing related to the start up and operation of the blending facilities associated with the Modification Work. LMC shall assist the City with its preparation of blend plans if requested.

3.6 LMC's participation in the Modification Work is based on the City's commitment to operate its water supply system in a manner that does not exacerbate or cause perchlorate impacts, and uses best efforts to minimize the need for any additional measures to mitigate perchlorate impacts in the City's water supply system.

Section 4. City Responsibilities and Actions. The City shall have the following responsibilities and actions:

4.1 The City shall develop the scope of work, bid and contract documents, and perform the bid and award activities for the Modification Work, in accordance with public procurement regulations applicable to the City. The City shall provide the scope of work and bid and contract documents to LMC prior to initiating the work in order to allow LMC to review and comment on the scope of work and to establish the funding by LMC described in paragraph 3.2 above.

4.2 The City shall prepare and submit progress invoices to LMC for the agreed-upon Modification Work. Invoices shall be submitted on not more than a monthly frequency. The invoices shall detail the status of each element and task in the agreed upon work (i.e., the percent complete) and the detail shall be consistent with the bid tab in the bid and

award documents. The invoice shall also detail the progress costs and total costs, and provide sufficient backup information to allow LMC to approve the invoice for payment.

4.3 The City shall be responsible for all operations and maintenance of the wells, reservoir and piping and appurtenances, and for blending all constituents in sources of water to the Agate Reservoir to concentrations below their respective MCLs. If additional contaminants or degradation products attributable to past LMC operations at this Site are identified at concentrations exceeding applicable state and federal water quality standards (i.e., state or federal MCL or state NL), the Parties shall meet and confer to identify and implement a mutually-acceptable solution to the issue. If the facilities cannot be operated under normal conditions to reduce the concentration of perchlorate to below the MCL, then the Parties shall meet and confer to identify and implement a mutually-acceptable solution to the issue.

4.4 The City shall continue to be the owner of all the existing equipment for the Agate No. 2 well, connecting piping and appurtenances, the Agate Reservoir and all the other sources of water to the reservoir. Further, the City will own all new equipment installed as part of the Modification Work provided for herein.

4.5 The City shall be responsible for all normal sampling and testing required by local and state regulatory agencies, while LMC shall be responsible for the incremental cost relating to operational monitoring of the blending systems (i.e., testing of perchlorate to assure compliance with the MCL). The City shall utilize a laboratory that is mutually acceptable to the Parties.

4.6 In addition, following construction, the City shall provide LMC with as-built plans, including any changes to the original design plans incorporated therein.

4.7 The City shall prepare all documentation required for any modifications to the City's Water Supply System Permit from DPH. The City (and its Contractor) shall be responsible for obtaining all permits and regulatory approvals for construction and operation of the Modification Work.

4.8 The City will collect and analyze samples, and provide copies of all periodic reports required by regulatory agencies (not less than monthly well production data, treatment system specific flow rates, system pressure data, and all analytical data) to LMC.

4.9 The City shall be responsible for compliance with all other regulatory compliance associated with the subject equipment, including NPDES discharge requirements.

4.10 The City shall be responsible for compliance with the California Environmental Quality on all matters covered by this Agreement, where applicable.

4.11 The City agrees to take no action against LMC on matters covered by this Agreement so long as LMC is performing of its obligations under this Agreement.

Section 5. Defense and Indemnity Obligations

5.1 LMC shall defend, indemnify, and hold harmless the City and its elected officials, officers, and employees from and against any and all actions, damages, losses, causes of action, and liability imposed or claimed relating to the injury or death of any person, or damage to any property, including attorneys' fees and other legal expenses, arising directly or indirectly from any negligent or intentionally wrongful act or omission of LMC in performing its obligations under this Agreement. This section 5.1 shall survive any termination of this Agreement. This section 5.2 shall survive any termination of this Agreement.

5.2 The City shall defend, indemnify, and hold harmless LMC and its officers, employees, and agents from and against any and all actions, damages, losses, causes of action, and liability imposed or claimed relating to the injury or death of any person or damage to any property, including attorneys' fees and other legal expenses, arising directly or indirectly from any negligent or intentionally wrongful act or omission of the City in performing its obligations under this Agreement.

5.3 The indemnities set forth in this Section 5 shall not apply to any third party toxic tort claims arising out of the presence of perchlorate or any other contaminant in water purveyed by the City to the City's customers. Nothing in this Agreement shall limit the right of either Party to seek, by an appropriate civil action, indemnity, whether implied or equitable, from the other in the event of a claim by a third party, including but not limited to, a third Party toxic tort claim against either party to this Agreement arising out of or related to perchlorate or any other contaminant from the Bunker Hill Basin.

Section 6. Procedure for Reimbursement

6.1 The City shall utilize the City's purchasing policy to secure the services and materials required to perform the Modification Work.

6.2 For those costs that LMC has agreed to pay pursuant to Section 3 above, LMC shall reimburse the City within forty-five (45) days of receipt of complete and detailed invoices from the City. Each invoice shall be broken down into the same cost categories as set forth in the bid documents for the contractor. The statement shall include copies of all relevant documentation, including purchasing documents, backup documentation for all internal costs, and all invoices, including backup documentation to support all invoiced contracted-for costs, and a declaration by an authorized representative of the City that each amount requested in the statement is due and payable to a party who provided materials or services for construction activities with respect to the Modification Work. Invoices should be submitted on not more than monthly basis. The City shall send its invoices to LMC, at the address provided by LMC, as per the terms and conditions of the LMC purchase order to be issued to the City for this the Modification Work. Any invoice seeking payment for an expenditure outside a cost category in the bid documents and any statement which will cause the applicable cost category amount to be exceeded must be accompanied by an explanation of the necessity for that expenditure.

Section 7. Miscellaneous

7.1 This Agreement shall be governed by and construed in accordance with the laws of the state of California.

7.2 This Agreement may not be modified except by a written document signed by the Parties.

7.3 This Agreement shall be binding upon and inure to the benefit of the Parties' respective representatives, successors and assigns.

7.4 Severability. If any provision of this Agreement shall be adjudged invalid by any court, the remaining provisions of this Agreement shall remain valid and enforced to the full extent permitted by law.

7.5 No Third Party Beneficiaries. There are no third party beneficiaries of any kind to this Agreement.

7.6 Attorneys' Fees. In the event any legal action or proceeding is brought to enforce or interpret any of the terms or conditions of this Agreement, the prevailing party, in addition to any costs and other relief, shall be entitled to recover its reasonable attorneys' fees, including fees for use of in-house counsel by a Party.

7.7 Cooperation. The Parties agree to cooperate with each other to accomplish the purposes of this Agreement, including exchanging data and information to assist LMC in completing the work under this Agreement.

7.8 Integration. This Agreement fully integrates the Parties' agreement and understanding with respect to all matters covered herein. Each Party agrees that it has not relied on any fact, statement or representation other than as specifically recited herein.

7.9 Assignment. This Agreement shall not be assigned without the prior written consent of the City. Any assignment or attempted assignment without such consent shall be null and void and, at the sole option of the City, may result in the immediate termination of this Agreement.

Section 8. Termination

8.1 LMC's obligations under this Agreement with regard to the construction of Modification Work shall terminate upon LMC's issuance of final payment.

8.2 LMC's obligations under this Agreement to address perchlorate impacts in the Bunker Hill Basin shall terminate at the time the Santa Ana Regional Water Quality Control Board determines that LMC is no longer required to supply replacement water to water purveyors (which includes the City).

Section 9. Notices. All notices or other communications under or in connection with the Agreement shall be in writing and shall be given by (a) personal delivery, (b) telephone facsimile, (c) overnight courier, or (d) U.S. mail. Such notices shall be addressed to the Parties at the addresses set forth below:

Lockheed Martin Corporation (LMC) David Constable, Vice President 6801 Rockledge Dr., MP CLE610 Bethesda, Maryland 20817	Municipal Utilities and Engineering Director City of Redlands P.O. Box 3005 Redlands, CA 92373

Changes may be made to the names and addresses of the person to whom notices or reports are to be given by giving notice pursuant to this section.

WHEREFORE, this Agreement has been executed by the Parties as of the date first written above in San Bernardino County, California.

CITY OF REDLANDS	LOCKHEED MARTIN CORPORATION
_____ Pete Aguilar, Mayor	_____ David Constable, Vice President

ATTEST:

_____
Sam Irwin, City Clerk

From: Tom Barnes
To: Heather Dyer; Jane Usher; Elie, Steve; Ash Dhingra; Camille Castillo
Subject: Fwd: Sterling National Resource Center Environmental Impact Report
Date: Tuesday, January 19, 2016 4:02:27 PM

Just received this email.

Camille, please save a copy in the comment folder.

Tom
323-829-1221 cell

-------- Original Message --------
Subject: Sterling National Resource Center Environmental Impact Report
From: Fred Yauger <fred@yauger.net>
To: Tom Barnes <TBarnes@ESASSOC.COM>
CC:

I have reviewed your report and do not find any significant impediments to proceeding with this project.

I urge this process move forward as quickly as possible to facilitate the path to construction. This facility is important to the long term benefit of our region and I support it unequivocally.

Fred Yauger
7123 Amberwood Lane
Highland, CA 92346

Sent from my iPad

TO: Heather Dyer
Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way, San Bernardino, CA 92408
909-387-9256/ heatherd@sbvmwd.com

FROM: Anthony Serrano, Local Taxpayer
(909) 496-4733 Cell

DATE: Thursday, February 25, 2016

SUBJECT: Comments Draft Environmental Impact Report (DEIR)
Sterling Natural Resource Center

REQUEST

I am requesting the Draft Environmental Impact Report (DEIR) be "re-done" and "recirculated" pursuant to:

> "Public Resources Code §15088.5(a)(4) Recirculation of an EIR Prior to Certification: *(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:* ***(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)."***

Specific reasons for the request are provided and discussed below. 1

BACKGROUND

The "Background" section of the DEIR identifies the ***"proposed project would be located within three municipalities, including the City of Highland, City of San Bernardino, and City of Redlands, and the unincorporated areas of San Bernardino County."***

In addition, the "Project Description" section of the DEIR item number "5" states the following***:"Refurbish and equip the groundwater wells near the Rialto Channel to potentially supply groundwater to the Rialto Channel when supplemental water is needed in the SAR for environment benefits."***

1. I support the proposed waste water recycling project but given the recent news articles concerning Flint, Michigan and their water contamination with "lead poisoning" we need special consideration given to our immediate situation,
2. Our groundwater has a long history for contamination due to plumes of trichloroethylene, perchlorate, and other types of contamination but this information was not disclosed in the DEIR. My East Valley Water District website reports: ***"The District produces 80% of our water supply from local groundwater wells. These wells are located in the Bunker Hill Groundwater Basin."*** Based on this information, every effort should be made to identify our

sources of water supply i.e. groundwater, surface water, and State Water Project water, all potential contamination for those sources, identify ways to mitigate the contamination, and

3. Now that we have the opportunity to "re-open" the discussion on surface, groundwater, and State Water Project related contamination issues via the DEIR we need to take advantage of the new technologies and solutions to cleanup the contamination issues once and for all! Everyone talks about a "comprehensive" solution….now is the time!

Based on this information we need to update the DEIR to:

1. Identify and disclose past efforts to cleanup all types of groundwater contamination in the immediate area,
2. Develop a list for the top 10 types of groundwater contaminations in our area i.e. plumes of trichloroethylene, plumes of perchlorate, etc.,
3. Identify the types of technology or solutions that were previously used to help mitigate those contaminations,
4. Identify the new types of technology or solutions that can now be used to help mitigate those contaminations,
5. Identify the types of screening processes to be used at the proposed waste water treatment plant to cleanup those contaminations,
6. Make sure the new waste water treatment plant does not become contaminated with the current contaminants, and
7. Determine if the "sludge" by product contamination levels are legal to relocate or sell?

1

My comments and concerns for the following are:

1. No costs disclosed as required by Public Resources Code §21001(g) and Public Resources Code §15088.5(a)(4),
2. No disclosure of the East Valley Water District (EVWD) lawsuits against San Bernardino International Airport (SBIAA),
3. No disclosure for the old and ongoing Lockheed Propulsion Co. plumes of trichloroethylene and plumes of perchlorate.
4. No disclosure for the old and ongoing Mid-Valley Sanitary landfill plumes of perchlorate located in Rialto,
5. No disclosure for Governor Brown signing Senate Bill 88 during year 2015 for the State's new law "Consolidation and Extension of Service"
6. No disclosure on EVWD's decision to close down Plant 150 operations during October 2015,
7. Impact, if any, pending legislation AB1666 to help finance project?

I. **<u>No Costs Disclosed as required by Public Resources Code §21001(g) and Public Resources Code §15088.5(a)(4)</u>** - The DEIR did not include any cost information but either the consultant is required to include the costs or the "Lead Agency" is required. The two laws state the following:

1. Public Resources Code § 21001. ADDITIONAL LEGISLATIVE INTENT: The Legislature further finds and declares that it is the policy of the state to: ***"(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the e*nvironment,"** and

2

2. Public Resources Code §15088.5(a)(4) Recirculation of an EIR Prior to Certification: *(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:* ***(4) The draft EIR was so fundamentally and basically***

inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043).

Some of the reasons for costs concerns are:

1. **April 28, 2010** - attached is a 2-page Highland Community News article dated April 28, 2010 titled: ***"Old pals split over pump tax."*** The article stated in part: ***"Water treatment plant - The board approved going out to bid on the district's planned water treatment plant. The district is getting a $3 million grant from the state, plus a state loan of $8 million at no interest for 30 years. In addition the district plans to float a bond for the additional $5 million needed to cover the cost of construction,"***

   Now we have been told via an EVWD Economic Impact Report dated March 2015 the proposed waste water recycling facility may cost as much as $126M? The water treatment plant cost was approximately $16M but this project will cost $126M plus more???

2. **October 19, 2011** - attached is a 1-page Highland Community News article dated October 19, 2011 titled: ***"Another piece of the Harmony puzzle told."*** The article stated in part: ***"James Campbell of Orange County and Pat Loy of the Lewis Operating Group have provided another bit of information on the Harmony project planned for the vacant land east of Seven Oaks Dam. Meeting with San Bernardino Valley water Conservation District Oct.12, they discussed a possible treatment plant for the project's sewage. With cooperation with East Valley Water District, the Conservation District and the city of Highland, a plant could be constructed to provide tertiary treatment and then put the treated water into Conservation District percolation ponds."***

   The local taxpayers in the City of Highland and local ratepayers of EVWD have been told via several Highland Community News articles since year 2011 to date that the local ratepayers would not see any rate increase due to the proposed waste water treatment facility but this information was not listed in the DEIR?

3. **April 15, 2015** - attached is a 1-page letter from East Valley water District dated April 15, 2015 subject: "Water and Sewer Will Serve letter for Tentative Tract Map 18871 (Harmony Project)" to Mr. Ben Macaluso, Vice President Lewis Operating Corporation. The letter put Lewis Group on notice they are responsible for the $126M in costs.

   Based o this information, the DEIR needs to include this letter and responsible party for $126M of the costs?

2

II. **No disclosure of the East Valley Water District (EVWD) lawsuits against San Bernardino International Airport (SBIAA)** - attached are copies of the lawsuits and proposed settelement agreement. No disclosure for the EVWD lawsuit filed 10/29/2013 EVWD vs San Bernardino International Airport(SBIAA) and Inland Valley Development Agency (IVDA) case No. CIVDS 1313090 regarding "avigation easement rights" case dismissed 1/9/2014; EVWD filed new case 1/22/2014 with U.S. District Court case No. ED CV 14-00138 GAF SPx and District Court Dismissed case; and EVWD filed a new case 7/15/2014 a Notice of Appeal to U.S. Court of Appeals for the Ninth Circuit, case No. 14-56146 and case is still ongoing. This litigation was not disclosed in the draft EIR in section 3.11 "NOISE" in connection with airport being located within 2 miles (proposed site is less than a mile from SBIAA) and no discussion regarding the pending litigation for "avigation easement rights" or noise impact from SBIAA was included,

3

III. No disclosure for the old and ongoing Lockheed Propulsion Co. plumes of trichloroethylene and plumes of perchlorate - attached are copies for the following information:

1. Santa Ana Regional Water Quality Control Board Cleanup and Abatement Orders for orders 94-37, 97-58, 01-56,
2. July 7, 2008 The Washington Times news article titled: "Lockheed: U.S. must pay for rocket-test cleanup," and
3. Drinking Water news article titled: "Perchlorate-Rocket Fuel Pollution Strains Water Supply Prompts Health Fears."

4

IV. No disclosure for the old and ongoing Mid-Valley Sanitary landfill plumes of perchlorate located in Rialto - The DEIR did not disclose the April 29, 2009: "Adoption of (1) Resolution No. R8-2009-0009, Authorizing the Executive Officer to Enter into an Administrative Settlement Agreement with the County of San Bernardino et al, and (2) Cleanup and Abatement Order No. R8-2009-0010, Superseding and Replacing Cleanup and Abatement Order No.

5

R8-2003-0013 and R8-2004-0072 for San Bernardino County, Solid Waste Management Division, Mid-Valley Sanitary Landfill Property." Attached are copies of:

1. April 29, 2019 Resolution (7-pages), and
2. Settlement Team's List of Witnesses and Summary of Testimony

5

V. <u>No disclosure for Governor Brown signing Senate Bill 88 during year 2015 for the State's new law "Consolidation and Extension of Service"</u> - to reduce the number of existing water agencies....this will help mitigate redundant executive/administrative staff and reduce costs by consolidating all water agencies under a regional concept i.e. customer service, billing, accounting, and many other industries have merged and consolidated over the years....now is the time for water agencies to consolidate and be more efficient and cost effective. Attached are copies of:

1. February 5, 2016 Redlands Daily Facts news article titled: "**How to oppose Redlands' proposed water and sewer rate increases"** who is seeking a 45% rate increase!
2. 2-page Governor's FACT SHEET water consolidation, and
3. Can we determine how much money can be saved, on an annual basis, by reducing the number of water agencies under the SBVMWD and allow SBVMWD to provide all of the Executive/Administrative functions. These cost savings can then be passed on to the rate payer by mitigating rate increases?

6

VI. <u>No disclosure on EVWD's decision to close down Plant 150 operations during October 2015</u> - how will this impact the water supply to the project?

7

VII. <u>Impact, if any, pending legislation AB1666 to help finance project?</u> - attached is a copy of AB1666. The City of Highland is proposing a "Mello-Roos" form of financing for the proposed Harmony Project, the project is requiring on site water and sewer services, discussions have been ongoing in the City's proposed Specific Plan to run a connection line from the proposed Harmony Project site to connect to the proposed Sterling Natural Resource Center, and all of these infrastructure costs are to be included in the proposed "Mello-Roos" financing. "Mello-Roos" financing is a time-bomb in California and AB1666 has been introduced on January 14, 2016 in an effort to gain some oversight and enforce annual reporting. The local taxpayers in the City of Highland oppose any "Mello-Roos" financing because the local taxpayer becomes the guarantor for the bonds required for the "Mello-Roos."

8

Thank you.

Subject: FW: Anthony Serrano Inquiry re Lawsuit Settlement EVWD v SBI and SBVMWD: Notice of Availability of the Draft EIR for the Sterling Natural Resource Center

Attachments: 2-9-2016 Dismissal EVWD v SBI Lawsuit Docs.pdf

From: Anthony Serrano [mailto:anthonyaserrano@gmail.com]
Sent: Wednesday, February 10, 2016 12:22 PM
To: Jim Harris <jharris@sbdairport.com>
Cc: Larry Mainez <lmainez@cityofhighland.org>; Kim Stater <kstater@cityofhighland.org>; Brandy Littleton <blittleton@cityofhighland.org>; Heather Dyer <heatherd@sbvmwd.com>
Subject: Fwd: Anthony Serrano Inquiry re Lawsuit Settlement EVWD v SBI and SBVMWD: Notice of Availability of the Draft EIR for the Sterling Natural Resource Center

2-10-2016: Jim - Good afternoon and I am following up on my e-mail sent to you dated December 23, 2015 re the Notice Availability of the Draft EIR. As stated in my #3 bullet point to you listed in my e-mail is the EIR provision for the "2-mile issue from an airport" for a proposed waste water treatment plant being constructed? The proposed site for the waste water treatment plant is within 2 miles? Based on this information I thought it would be important for you as the Project Manager for SBI to attend the scheduled meetings for the draft EIR?

Please consider the following:

1. I have cut/pasted the Highland Community News article dated January 28, 2016 and titled: "Settlement announced in the EVWD vs. SBD lawsuit" concerning the "avigation easement rights" since the proposed Sterling Natural Resource Center waste water recycling project is in direct path of the "avigation easement rights" and the "2-mile within an airport" EIR rule is directly affected,
2. I have attached 4 court documents regarding the lawsuit CIVDS1313090 filed October 2013, SBI demurrer filed December 2013, and the Dismissal filed January 9, 2014,
3. The case was dismissed two years ago but is only being announced now?
4. Unfortunately two pending draft environmental impact reports (City of Highland and EVWD) DID NOT make any disclosures for this pending litigation?

1

I see you have a schedule Board Meeting today at 3:00pm and this issue is on the agenda.

I am sending this letter to you via e-mail and will call your office at (909) 382-4100 to discuss.

Thank you.

Anthony Serrano
(909) 496-4733 Cell

Settlement announced in the EVWD vs. SBD lawsuit

- Story
- Comments (2)

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Posted: Thursday, January 28, 2016 11:28 am | *Updated: 2:43 pm, Thu Jan 28, 2016.*

2 comments

• Posted on Jan 28, 2016
by **Charles Roberts**

The East Valley Water District had filed suit against San Bernardino International Airport seeking relief from a flight regulation that prevented most construction where the District planned to build a new treatment plant on Sterling Avenue.
On Wednesday, Jan. 27, it was announced at the EVWD Board meeting that an agreement had been reached and the suit was being dropped.
The EVWD had ultimately decided on an alternate location for the plant, called the Sterling Natural Resource Center, choosing a Del Rosa site, but keeping the name.
However the suit was allowed to remain to make the land more attractive to potential buyers.
Details of the settlement were not released.
At the same time, the San Bernardino International Airport Authority Board also met on Jan. 27 and had a closed door session with the lawsuit as one of the topics to be discussed. However, when the Board emerged from the session, there was no announcement concerning the EVWD suit.
The court website shows that a request for dismissal was filed on Jan. 6. On Jan. 9, there is a recorded notice of withdrawal of the lawsuit. 1

---------- Forwarded message ----------
From: **Anthony Serrano** <anthonyaserrano@gmail.com>
Date: Wed, Dec 23, 2015 at 1:46 PM
Subject: Fwd: Anthony Serrano Inquiry re San Bernardino International Airport and SBVMWD: Notice of Availability of the Draft EIR for the Sterling Natural Resource Center
To: jharris@sbdairport.com

12-23-2015: Jim - Good afternoon. The receptionist provided me with your e-mail address and advised me that you are the project manager for projects involving the San Bernardino International Airport.

1. The reason for my e-mail is I wanted to make sure you received a copy of the December 20, 2015 "Notice of Availability of the Draft EIR for the Sterling Natural Resource Center" see below,
2. The proposed $126M waste water treatment facility called the Sterling Natural Resource Center could be built near your San Bernardino International Airport,
3. I am sure that you are familiar with California Environmental Quality Act, Cal. Pub. Res. Code § 21000, *et seq.* ("CEQA") and EIR item *"#9 HAZARDS and HAZARDOUS MATERIALS. How will the new facility impact: e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? † f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?"*
4. The San Bernardino International Airport represents a potential and ongoing growth vehicle for the community. I would hate to see any project have an adverse affect on the airport and future growth for the community,

5. The Notice information is listed below including the two planned community meeting dates January 14 and 19, 2016. Final questions are due by February 1, 2016, and
6. I simply wanted to bring this important issue to your attention?

I am sending this information to you via e-mail and will call your office to followup. 1

Thank you.

Anthony Serrano
7517 Mr. McDuff's Way
Highland, CA 92346
(909) 496-4733 Cell

---------- Forwarded message ----------
From: **San Bernardino Valley MWD** <webmaster@sbvmwd.com>
Date: Mon, Dec 21, 2015 at 8:31 AM
Subject: SBVMWD: Notice of Availability of the Draft EIR for the Sterling Natural Resource Center
To: anthonyaserrano@gmail.com

Notice of Availability of the Draft EIR for the Sterling Natural Resource Center

The San Bernardino Valley Municipal Water District (Valley District) as the Lead Agency has prepared a Draft Environmental Impact Report (Draft EIR) pursuant to the California Environmental Quality Act (CEQA) for construction of the Sterling Natural Resource Center (SNRC).

Post Date: 12/20/2015 9:02 AM

NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE STERLING NATURAL RESOURCE CENTER

Date:	December 17, 2015
To:	Responsible and Trustee Agencies and Interested Parties
Subject:	Notice of Availability of the Draft Environmental Impact Report
Project:	Sterling Natural Resource Center
Lead Agency:	San Bernardino Valley Municipal Water District
Review Period:	December 17, 2015, through February 1, 2016
Project Location:	The Sterling Natural Resource Center is proposed to be located in the City of Highland between East 5th and East 6th Streets at North Del Rosa Drive

Project Description: The San Bernardino Valley Municipal Water District (Valley District) as the Lead Agency has prepared a Draft Environmental Impact Report (Draft EIR) pursuant to the California Environmental Quality Act (CEQA) for construction of the Sterling Natural Resource Center (SNRC). The proposed project would construct a wastewater treatment plant and related administration facilities in the City of Highland to treat wastewater generated within the East Valley Water District (EVWD) service area, which is entirely within the Valley District service area. Currently, pursuant to an agreement, EVWD conveys that wastewater to the City of San Bernardino for secondary treatment at the San Bernardino Water Reclamation

Subject: FW: Anthony Serrano Inquiry to Kamron Saremi re Lockheed Propulsion Co. Pollution in San Bernardino County, CA

Attachments: GeoTracker.website

From: Anthony Serrano [mailto:anthonyaserrano@gmail.com]
Sent: Monday, February 22, 2016 2:57 PM
To: Saremi, Kamron@Waterboards
Cc: Heather Dyer
Subject: Fwd: Anthony Serrano Inquiry to Kamron Saremi re Lockheed Propulsion Co. Pollution in San Bernardino County, CA

2-22-2016: Kamron - thank you for taking my telephone call and I appreciate your explaining your 30 year history of managing the Lockheed Propulsion Co. contamination issues for the: 1) plume of trichloroethylene, and 2) plume of perchlorate.

1. I have forwarded you a copy of my e-mail dated February 9, 2016, sent to Ms. Duarte in the US EPA's office in Los Angeles with the three attached articles,
2. Ms. Duarte forwarded my e-mail to Kevin (415) 972-3176 in the EPA's Region 9 Office in San Francisco,
3. Kevin called me, explained that he had worked with you on this project for many years, your office has taken the lead, and he provided me with your name and office telephone number, and
4. As I explained we have two separate draft Environmental Impact Reports: a) City of Highland, and b) San Bernardino Valley Municipal Water District (SBVMWD); but neither consultant on the EIR's disclosed the "Lockheed" history, how our community is impacted, and what steps need to be taken to avoid any future problems as in Flint, Michigan with "lead poisoning in the water?" We do not want any trichloroethylene and/or perchlorate poisoning! 2

My four concerns are:

1. How many more years will the "Lockheed" contamination issues affect our water resources in the City of Highland, Mill Creek Spreading Grounds, City of Mentone, etc.? What methods are being used to maintain the contamination? What happens if the contamination levels exceed safe levels? Who is responsible to manage/monitor/correct the contamination levels?
2. SBVMWD is the lead agency on the EIR, we need a new waste water treatment facility for our local use.....what types of screening processes are used for trichloroethylene and perchlorate? Do those screenings work? What about the "sludge" created from the trichloroethylene and perchlorate? What are the problems with this "sludge" by product?
3. Is Lockheed mandated to cover any portion of our future costs to protect our local water resources or build-out a new waste water treatment facility? The new facility will continue to screen out the trichloroethylene and perchlorate.....so I would think that a portion of the cost for this new waste water treatment facility by SBVMWD should be paid by Lockheed?
4. We just need good planning to avoid the new $126M facility from being contaminated by any trichloroethylene and perchlorate. Since our EIR consultant did not cover this issue....I have raised it.

I have copied Ms. Heather Dyer, Project Manager at SBVMWD, on this e-mail.

Thank you.

Anthony Serrano
(909) 496-4733 Cell

---------- Forwarded message ----------
From: **Anthony Serrano** <anthonyaserrano@gmail.com>
Date: Tue, Feb 9, 2016 at 4:38 PM
Subject: Anthony Serrano Inquiry re Lockheed Propulsion Co. Pollution in San Bernardino County, CA
To: duarte.romie@epa.gov

2-9-2016: Ms. Duarte - thank you for returning my telephone call. Attached are three short articles regarding the Lockheed pollution issue and specific legal references that should help you locate someone who can provide some up to date info?

Anthony Serrano
(909) 496-4733 Cell

2

Subject: FW: Anthony Serrano Inquiry to SBVMWD and Feb 17, 2016 1% Finance Funding Expansion Announcement but EVWD and SBVMWD Project Not On List?

Attachments: 2-17-2016 pr21716_cwsrf_finance.pdf; 021616_3_attachment_a.pdf

From: Anthony Serrano [anthonyaserrano@gmail.com]
Sent: Monday, February 29, 2016 8:54 AM
To: Heather Dyer
Cc: Kim Stater; Larry Mainez; Brandy Littleton
Subject: Anthony Serrano Inquiry to SBVMWD and Feb 17, 2016 1% Finance Funding Expansion Announcement but EVWD and SBVMWD Project Not On List?

2-29-2016: Heather - Good morning! See following:

1. 1-page Notice dated 2-17-2016 and titled: "State Water Board Authorizes $960 Million in 1% Financing For Recycled Water Projects," and
2. The list of the 36 eligible projects and titled: "ATTACHMENT A - Division of Financial Assistance Water Recycling Funding Program Applications Submitted in Response to Resolution 2014-0015 Projects Recommended for Receiving 1% Financing."

3

The Notice also states: "The new resolution allows the Division of Financial Assistance to approve 1 percent financing for all eligible recycling projects that have filed a complete application by the Dec. 2, 2015, deadline."

Guess what? No listing for EVWD or SBVMWD as part of the 36 eligible projects are listed?

Did you decide NOT to pursue the 1% financing opportunity?

Please advise.

Thank you.

Anthony Serrano
(909) 496-4733

CHAPTER 11
Responses to Comments

As stated in *CEQA Guidelines,* Sections 15132 and 15362, the Final EIR must contain information summarizing the comments received on the Draft EIR, either verbatim or in summary; a list of persons commenting; and the response of the Lead Agency to the comments received. Twenty-two comment letters or emails were received by the Valley District in response to the Draft EIR. This chapter provides the Valley District's responses to these comments..

These responses do not significantly alter the proposed project, change the Draft EIR's significance conclusions, or result in a conclusion such that would result in significantly more severe environmental impacts. Instead, the information presented in the responses to comments "merely clarifies or amplifies or makes insignificant modifications" in the Draft EIR, as is permitted by CEQA Guidelines Section 15088.5(b).

Regarding recirculation of the Draft EIR, *CEQA Guidelines* Section 15088.5, requires the Lead Agency to recirculate an EIR only when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review. New information added to an EIR is not significant unless the EIR has changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse, environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement (*CEQA Guidelines*, Section 15088.5). In summary, significant new information consists of: (1) disclosure of a new significant impact; (2) disclosure of a substantial increase in the severity of an environmental impact; (3) disclosure of a feasible project alternative or mitigation measure considerably different from the others previously analyzed that would clearly lessen environmental impacts of the project but the project proponent declines to adopt it; and/or (4) the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*CEQA Guidelines*, Section 15088.5). Recirculation is not required where, as stated above, the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (*CEQA Guidelines*, Section 15088.5).

Some of the responses below refer to and impose further mitigation measures, as described in Chapter 12, *Clarifications and Modifications,* of this Final EIR. These mitigation measures were proposed by commenters and, pursuant to CEQA, the Valley District imposed those measures to further mitigate for potentially significant impacts wherever feasible or imposed the measures to further reduce already less-than-significant impacts. Ultimately, the significance conclusions presented in the Draft EIR do not change even with the imposition of these new mitigation measures. Moreover, because these mitigation measures address ways to implement the proposed project and do not propose the construction of new facilities, none of these new mitigation measures would result in any potentially significant impacts of their own.

Comment Letter – U.S. Fish and Wildlife Service (USFWS)

Comment USFWS-1

The comment describes the project and contents of the DEIR.

Response to USFWS-1

Valley District appreciates the comment's summary of the status of the Santa Ana sucker and the strategy Valley District has adopted to mitigate the project's impacts to the species. The comment accurately captures the complex nature of the threats to the SAS and its habitat and the challenges faced by agencies that endeavor to mitigate the effects of projects that impact the Santa Ana River watershed.

Valley District agrees with the observation that the volume of perennial low flow in the Santa Ana River is not the only factor affecting the long-term viability of the SAS. Mitigation measures that address a variety of those factors stand the best chance of ameliorating impacts to and facilitating recovery of the species.

As noted by the comment, Valley District has proposed a comprehensive approach to mitigation of impacts to the sucker that will serve to reduce the risk to the species in the Santa Ana River watershed and provide significant conservation benefit to the species. The HCP or the HMMP will address specific degraded conditions in the river and provide a buffer against catastrophic events that result in death of multiple individual members of the species, before the project reduces flows in the river. The USFWS' expertise will inform the development and implementation of the HCP or the HMMP and contribute to a robust plan for conserving the SAS and putting it on the path to recovery. This mitigation strategy will enable Valley District to take advantage of the locally-produced water the project will make available, thereby reducing reliance on imported water and the areas of imported water origin.

Valley District appreciates the USFWS's regard for the water supply needs of the San Bernardino Valley and the efforts of Valley District and other local agencies, especially those that will partner in the HCP, to address the myriad factors affecting SAS mortality and fitness. Valley District also appreciates the recognition by the USFWS that through implementation of this project we seek to "chart a course towards the recovery of the species" (USFWS p. 3). It is the goal of Valley District that the SNRC HMMP lay the foundation for the larger, more comprehensive conservation strategy of the HCP. Additionally, Valley District concurs with the USFWS stated hope that this mitigation strategy "will be emulated by other water projects in the San Bernardino Valley" in order to harness the collective power of partnerships and economies of scale to make real progress towards recovering this species. Valley District looks forward to working with the Service during the consultation process and in finalizing and implementing the HCP and HMMP.

Comment USFWS-2

The comment provides description of the SAS, states that the project would divert water from the SAR which supports the listed SAS, and notes critical habitat for the SAS and other species in the vicinity of the project.

Response to USFWS-2

Valley District agrees with the comment's identification of critical habitat and the project's reduction of flows in the SAR. The DEIR acknowledges that the project would divert water from the SAR, and evaluates impacts to SAS beginning on 3.4-48. Mitigation Measure BIO-3 outlines several conservation measures to improve habitat conditions within the segment of the SAR directly below the RIX discharge, and describes the project's participation in the Upper Santa Ana River HCP. Valley District believes the efforts that will be pursued under Mitigation Measure BIO-3 will contribute greatly to the conservation and recovery of the SAS over the long term.

Please see Responses to Comments CBD-7, CBD-8, and CBD-11.

Comment USFWS-3

The comment states sediment transport in the SAR must be considered when managing SAS habitat.

Response to USFWS-3

Valley District agrees that sediment transport in the SAR is a factor that must be considered in managing SAS habitat. Accordingly, Mitigation Measure BIO-3 includes conservation measure SAS-4 that would introduce high pulse flows periodically to the SAR to move sand deposited by storm events off the cobble substrate. Existing conditions are such that during storm events, sand is deposited in depths ranging from inches to several feet over a base of gravel and cobble. This effectively reduces the availability of appropriate spawning and foraging substrate for weeks or even months while the continuous discharge of clean water from the wastewater treatment plants transports the sand off the gravel bed. Mitigation Measure BIO-3 proposes to speed up this process through artificial creation of high-flow pulse events which have been modeled by the USGS on Valley District's behalf, thus increasing the *temporal* availability of suitable habitat for SAS. Habitat condition triggers and success criteria for this Mitigation Measure will be developed in coordination with the USFWS, with technical support by USGS, such that maximum benefit can be provided to the SAS habitat to increase spawning and foraging habitat availability, specifically during key times of the year when exposed gravel and cobble is crucial to successful reproduction and recruitment of the species. The ultimate goal of this Mitigation Measure is to increase the temporal availability of gravel/cobble substrate despite a reduction in continuous discharge.

Comment USFWS-4

The comment suggests that the Reduced Discharge Study be updated to reflect a more conservative methodology.

Response to USFWS-4

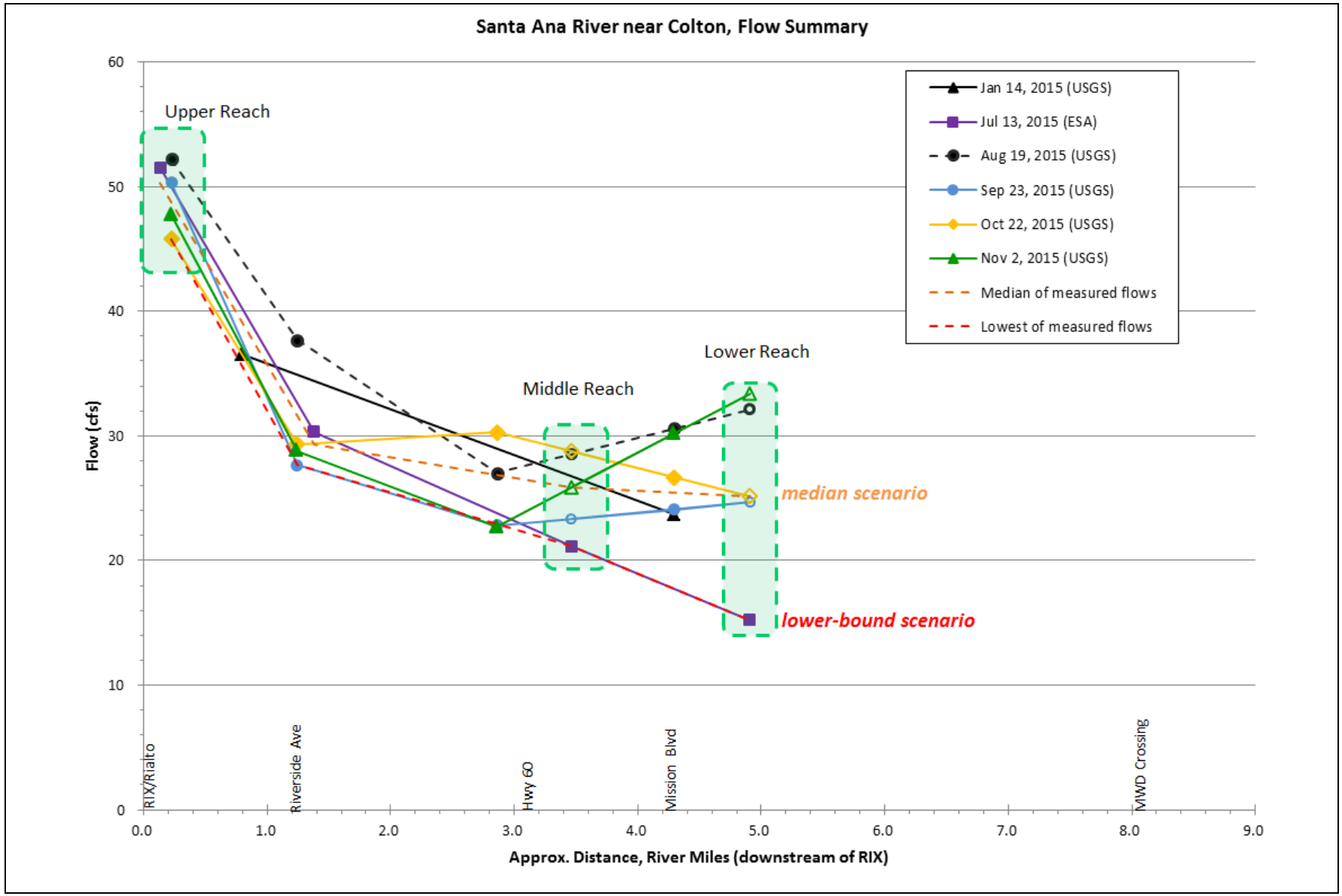
Valley District has included an Update to the Reduced Discharge Study in the Final EIR in Appendix H that modifies the methodology consistent with the suggestion made by the USFWS. The results show a slightly greater impact to wetted area and average velocity area but are not to a level that would preclude occupancy of the impacted reach by the SAS or Arroyo chub.

As shown in Figure A1 of the Study Update (see below), USGS data collected on a monthly basis in 2015 show a wide variety of water depth in the lower study area reach. The USGS data show that the data provided in the DEIR for the lower reach on Figure 3.4-3 are conservatively low.

In recognition that the relationship of the surface water flow and groundwater contribution in the SAR is complex, and to ensure a conservative analysis, the updated Reduced Discharge Study provides results of the hydrology model assuming zero contribution from groundwater. The results are summarized in the Table 3 below (from Appendix H). The results show slightly greater impacts compared to the earlier analysis assuming groundwater contribution. The revised analysis shows a 7 percent average decrease in wetted area as opposed to 6 percent in the initial model results. Also, maximum change in velocity and depth are similar to the initial model results.

TABLE 3
MAXIMUM AND MEAN CHANGE IN AREA WITHIN A VELOCITY OR DEPTH ZONE, AND CHANGE IN WETTED CHANNEL AREA UNDER A LOWER BOUND AND MEDIAN FLOW SCENARIO, FOR A 6 MGD REDUCTION AT RIX

Flow scenario	Reach	Max. change (±) in area of a velocity or depth zone	Mean change in area of a velocity or depth zone	Change in wetted area over existing condition	Average change in wetted area over existing condition
Lower Bound flow scenario	Upper	8%	2%	-5%	
	Middle	7%	2%	-12%	-7%
	Lower	11%	3%	-4%	
Median flow scenario	Upper	7%	2%	-3%	
	Middle	8%	2%	-7%	-4%
	Lower	10%	3%	-3%	



SOURCE: ESA and USGS

Note: solid markers denote measured data points;
hollow markers denote interpolated or extrapolated data

Santa Ana River Low Flow Study, D150005

Figure A1

Revised flow data used for existing and proposed conditions

The conclusions of the Study Update are that the contribution of groundwater in the lower study area reach is complex and variable. However, the data do show that the river becomes a gaining stream to some varying degree as it slows and enters the lower study area reach above the MWD crossing. The updated study conducts the analysis assuming zero contribution from groundwater and finds similarly minimal impacts.

Mitigation Measure BIO-3 has been modified to include SAS-7 as shown below to include hydrologic monitoring of the SAR below RIX to better understand the seasonal and diurnal fluctuations in river flow.

BIO-3: Disturbance to Santa Ana sucker

- **SAS-7: Monitoring.** The HMMP will outline a monitoring program to collect hydrology data in the segment of river between the RIX discharge and Mission Boulevard. The data will include flow velocity and depth.

Comment USFWS-5

The comment states that SAS prefer (and that the invasive red alga apparently does not prefer) higher velocity water which is not common in the SAR under existing conditions.

Response to USFWS-5

The comment accurately notes that under existing conditions higher velocity water is not common in the SAR. To improve upon the existing habitat conditions, Mitigation Measure BIO-3 includes conservation measure SAS-1 that would introduce microhabitat enhancements within the SAR below the RIX discharge to increase the prevalence of high velocity river segments around habitat features, such as large woody debris and boulders followed by slower-moving pools and riffles. Mitigation Measure BIO-3 aims to create a series of high-velocity scour areas and subsequent pools and riffles throughout the reach impacted by this project thus creating linked microhabitat within the mainstem that will provide refugia, foraging, and spawning habitat for SAS while reducing suitable flow conditions for the red alga.

Comment USFWS-6

The comment states that the RIX discharges are trending downward over the last decade and that groundwater conditions influence SAR flows and requests that the DEIR evaluate potential impacts to the SAR from future groundwater fluctuations.

Response to USFWS-6

As suggested by the comment, the Reduced Discharge Study has been updated to reflect a more conservative contribution to the SAR from groundwater based on the recognition that groundwater management in the future may affect SAR flows. The Study Update is included in Appendix H. However, the future condition and impact to the river from groundwater

management actions is speculative. The Study Update revises the analysis to include river depth data collected by USGS in 2014 and 2015. The USGS data shows high variability in depth in the lower reach of the study area but generally support the observation that groundwater and/or underflow contributes to the surface flows in this reach. The USGS data were uniformly greater than the measured observations in the Reduced Discharge Study, suggesting that the Reduced Discharge Study's conclusions were conservatively low. Valley District has included a groundwater infiltration monitoring component to its ongoing research with the USGS. Beginning in July 2015, the USGS began collecting monthly data to assess the surface flow and groundwater infiltration interaction between the Rialto Channel and Mission Blvd. Preliminary results of this study are expected by the end of 2016 and will inform decisions by the HCP and others as to the priority conservation activities to benefit the species in this reach.

Comment USFWS-7

The comment requests that the DEIR evaluate impacts of diurnal fluctuations in RIX discharges.

Response to USFWS-7

The Reduced Discharge Study Update describes SAR depth data collected during day time hours. Recognizing that river flows react to diurnal flow patterns, daily low flow periods create substantially lower depths than reflected in the Study. Valley District does not have authority over the operation of the RIX discharges. Although flow equalization may improve habitat conditions for the SAS, implementation of this operational modification is not within the authority of Valley District at this time.

However, USGS is conducting an evaluation of flows that is expected to be completed in late 2016. The study is expected to include an examination of diurnal fluctuations in RIX discharges. Once complete, that study can be used by Valley District, the USFWS, CDFW, and the other partners in the HCP to refine operations and implementation of the components of the HCP so as to address diurnal fluctuations in RIX discharges in a manner that will benefit the SAS.

Comment USFWS-8

The comment states that microhabitat improvements will need to consider each life stage to develop measureable, achievable habitat enhancement goals.

Response to USFWS-8

Valley District agrees that each life stage of the SAS must be considered in order to achieve habitat enhancement goals. The mitigation measure commits Valley District to the preparation of an HMMP that will outline implementation methodology and success criteria for each life stage habitat requirements. The microhabitat enhancements would be one component in a broader mitigation strategy in consultation with the wildlife agencies. The DEIR concludes that as one component of a broad mitigation strategy, any microhabitat enhancement implemented in coordination with the wildlife agencies provide benefits compared to existing conditions. Valley

District is working with several agencies to perform statistical analysis of existing datasets for the Big Tujunga and San Gabriel River populations as well as with the USGS who conducted the Santa Ana River baseline survey in September 2015. The focus of this analysis will be on utilization of key habitat features such as pools and riffles and specific variables related to those features such as size, depth, and distance to riparian cover. This analysis will be performed for all larval, juvenile, and adult life stages. In addition, the USGS is in the process of developing a Habitat Suitability Model based on the 2015 Santa Ana River data which will be completed in summer 2016. The results of these analyses will be used during the development of the HMMP to make informed decisions about success criteria for mitigation measures. Valley District appreciates and acknowledges USFWS' offer to assist in this process.

Comment USFWS-9

The comment asks how the flushing flow events would be coordinated with the City of San Bernardino and requests that a hydrologic model be prepared that estimates the effects and trigger conditions of the flushing flows.

Response to USFWS-9

Flushing flows proposed under conservation measure SAS-4 would be implemented by the City of San Bernardino in coordination with Valley District as agreed upon in a Memorandum of Agreement between the two parties. Valley District will negotiate the arrangement with the City to support mutually beneficial regional objectives. Table 2-9 of the DEIR recognizes that an agreement with the City of San Bernardino is necessary to implement some of the measures. Valley District may also utilize groundwater wells to implement SAS-4.

The Reduced Discharge Study describes the relationship between velocities and sediment transport. The cobble substrate in the 6,000 feet below RIX occurs due to the higher velocities caused by the gradient. Currently, as noted in the comment, storm flows bring sediment-laden water through the river corridor and deposit sand on the river bed in depths ranging from inches to several feet over a base of gravel and cobble. This effectively reduces the availability of appropriate spawning and foraging substrate for weeks or even months while the continuous discharge of clean water from the wastewater treatment plants transports the sand off the gravel bed. Mitigation Measure BIO-3 proposes to speed up this process through artificial creation of high-flow pulse events which have been modeled by the USGS on Valley District's behalf, thus increasing the temporal availability of suitable habitat for SAS. Habitat condition triggers and success criteria for this Mitigation Measure will be developed in coordination with the USFWS, with technical support by USGS, such that maximum benefit can be provided to the SAS habitat to increase spawning and foraging habitat availability, specifically during key times of the year when exposed gravel and cobble is crucial to successful reproduction and recruitment of the species. The ultimate goal of this Mitigation Measure is to increase the temporal availability of gravel/cobble substrate despite a reduction in continuous discharge. The DEIR concludes that as one component of a broad mitigation strategy, providing the ability to introduce periodic flushing flows, implemented in coordination with the wildlife agencies, provides benefits compared to existing conditions, while not fully offsetting the adverse effects of a reduction in flows.

Comment USFWS-10

The comment suggests that the use of supplemental cool water supplied by one or more wells along the Rialto Channel should be done during a longer portion of the year.

Response to USFWS-10

Mitigation Measure BIO-3 provides the mechanism to introduce groundwater into the Rialto Channel to benefit habitat. The goal of this measure is to increase the temporal availability of suitable habitat by reducing water temperatures in the summer to a level below the tolerance threshold of the species. The use of this measure would be on an appropriate scale related to the level of project impact and refined in coordination with the wildlife agencies through the permitting process and development of the HMMP. Success criteria and a monitoring plan for this mitigation measure will be included in the HMMP. The DEIR concludes that as one component of a broad mitigation strategy, providing supplemental water during the summer months in coordination with the wildlife agencies provides benefits compared to existing conditions and is commensurate with the scale of project-level effects. If appropriate, Valley District will take advantage of future opportunities to consider supplementing existing flows with cool groundwater during a larger portion of the year, likely through implementation of the HCP conservation strategy.

Comment USFWS-11

The comment states that the use of cooler water may decrease the abundance of invasive non-native alga, which would benefit the sucker.

Response to USFWS-11

The DEIR concludes that as one component of a broad mitigation strategy, providing supplemental water during the summer months in coordination with the wildlife agencies provides benefits compared to existing conditions. Although red alga is a concern in the areas downstream of the RIX discharge, the intent is that introduction of colder water in the Rialto Channel will have temperature-reducing effects downstream, which could help hinder growth of red alga. Based on coordination with the USFWS and other experts, Valley District also believes that high flow pulse events, as proposed in Mitigation Measure BIO-3, may also be used as a tool to control the growth of the red alga. Precise formulation strategies to control factors that adversely affect the SAS and its habitat, like red alga, will also be a key component of the HCP and the HMMP.

Comment USFWS-12

The comment states that it is important that any project impacts to SBKR and its designated critical habitat be considered in the context of the long-term persistence of the SBKR population as necessary to the survival and recovery of the sub-species.

Response to USFWS-12

Valley District appreciates and shares the concern for the SBKR – although there has been significant focus on efforts to protect and conserve the SAS, it is also important that impacts to the SKBR, including impacts that may result from efforts to benefit the SAS, be addressed. To address potential significant impacts to the SBKR, the DEIR includes Mitigation Measure BIO-2 which commits Valley District to direct consultation with CDFW and USFWS for potential impacts to SBKR and other listed species impacted in City Creek. This consultation would be conducted directly and not through the Upper SAR HCP. Valley District is committed to conduct additional future site-specific surveys and appropriate consultation with CDFW and/or USFWS, the results of which will be used to determine proper mitigation for impacted species. Valley District is also committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to species associated with affected alluvial fan habitat, including the SBKR. It is Valley District's goal to provide enhancement of SBKR habitat near the area if appropriate to achieve maximum ecological value to the species, in coordination with the Wildlife Agencies. However, if onsite enhancement is not possible, Valley District will seek to obtain and manage high-quality habitat or an area with the potential to become high-quality habitat through additional management adjacent to the impact area and within designated critical habitat. Additionally, Valley District will add a subsection to Mitigation Measure BIO-2 requiring pre-construction trapping and relocation of the San Bernardino kangaroo rat in accordance with accepted protocol, if determined necessary by the USFWS during the Section 7 consultation process.

Please see Responses to Comments CDFW-1, CBD-5, CBD-9, CBD-10, and CBD-12.

Comment USFWS-13

The comment suggests the FEIR include a regional groundwater basin assessment for City Creek and Santa Ana River in the assessment of potential changes to the riparian plant community and how those changes will affect flycatcher, vireo and their critical habitats.

Response to USFWS-13

It is also important to note that part of the HMMP proposed for this project is a commitment for non-native vegetation management within the area of project impacts, in perpetuity. The purpose of this measure is to decrease the competitive stress experienced by native vegetation in the presence of non-native vegetation as a means to offset potential stress from the proposed reduced water supply, making it likely that the riparian vegetation community will remain healthy and robust. Because the mitigation measure proposes to manage for native regrowth in areas of non-native removal, it is unlikely there will be a significant decrease in the amount of native vegetation within the project impact area even taking into account a reduction in water supply since natives use less water than non-native species. In other words, Valley District is committed to acre for acre replacement (i.e. replacing each acre of non-native riparian vegetation that will be removed with an acre of native riparian vegetation) within a geographic area to be determined during the permitting processes with the Wildlife agencies. Valley District also offers the

financial commitment to maintain these acres in perpetuity once established. Additionally, there will likely be an increase in native riparian vegetation in Rialto Channel and City Creek. Therefore, the potential impact to riparian vegetation can be expected to be minimal.

The addition of water to Rialto Channel during summer months as proposed in Mitigation Measure BIO-3, and perennial water to City Creek, will increase the amount and/or quality of riparian habitat within these two tributaries to the Santa Ana River. Appropriate riparian habitat in these geographical locations will augment the geographic distribution and availability of suitable habitat for vireo and increase the amount of habitat located in the existing vicinity of known flycatcher occupancy at the base of the San Bernardino Mountains. Valley District believes these potential benefits to the species and their critical habitats offset the small loss or degradation to riparian habitat that may result from reduced discharge.

Please see Response to Comment OCWD-1 and OCWD-2.

Comment USFWS-14

The comment suggests that an assessment of impacts to woolly-star habitat and other special status plants, and an appropriate strategy to offset them be included in the FEIR.

Response to USFWS-14

The DEIR includes strategies to offset impacts to special status plants, in recognition that installation of a discharge structure within City Creek could affect plant species. Mitigation Measure BIO-1 commits Valley District to conducting a focused botanical survey prior to any construction in City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds. Based on the results of that survey and in consultation with USFWS and/or CDFW, Valley District will develop and implement an impact minimization and compensation strategy to ensure that impacts to special status plants are less than significant.

Comment Letter - California Department of Fish and Wildlife (CDFW)

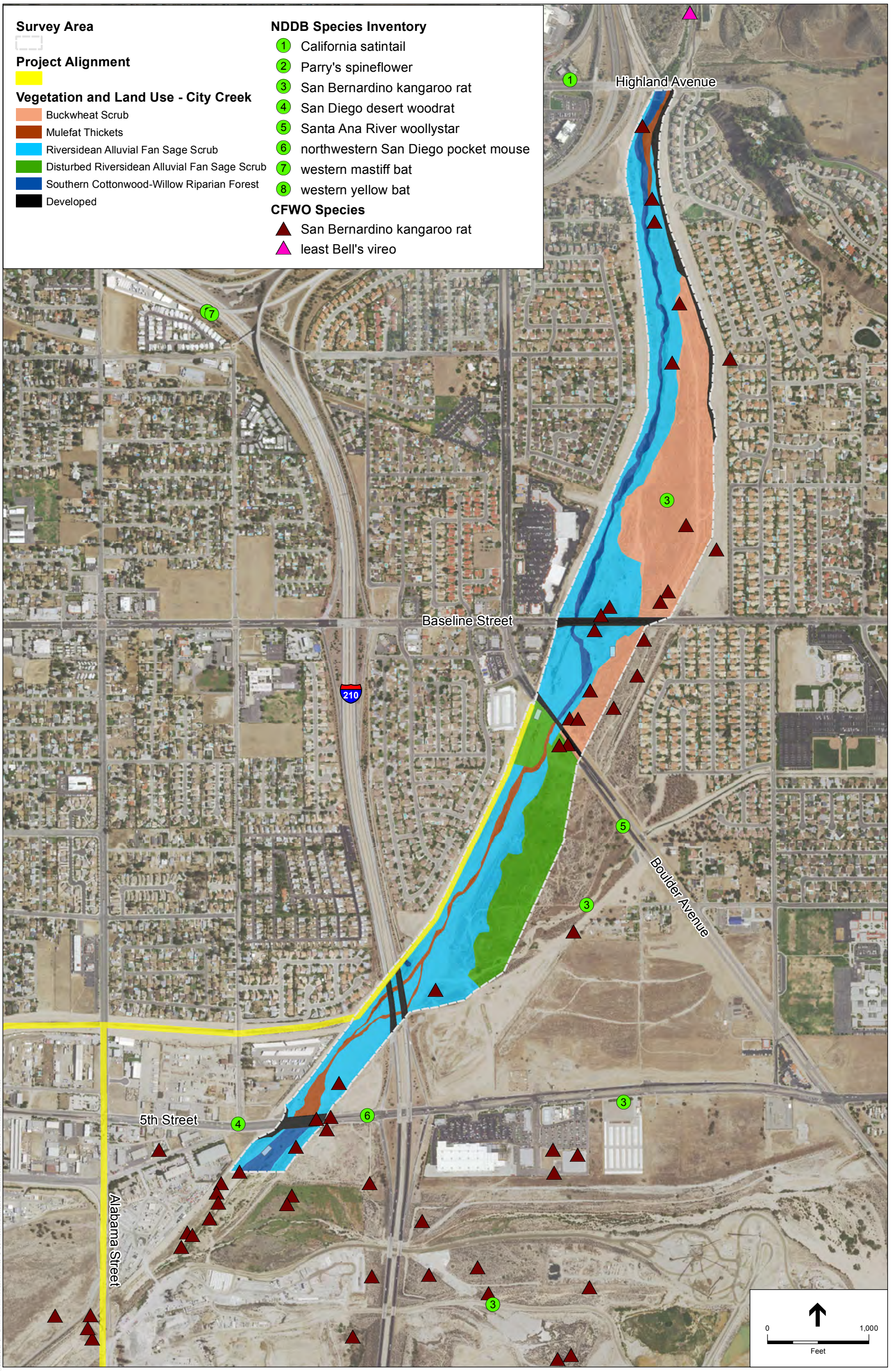
Comment CDFW-1

The comment suggests that the mitigation inappropriately defers data collection efforts and recommends that Valley District conduct focused surveys for the sensitive species identified as having the potential to occur onsite in order to adequately describe impacts and propose specific and enforceable compensatory mitigation. CDFW further recommends that once surveys are complete and specific and enforceable mitigation is formulated, the District recirculate the DEIR for public review.

Response to CDFW-1

Valley District shares the commenter's concern regarding the potential impacts construction and operation of the project may have on sensitive species. That concern, however, is precisely why Valley District has chosen an approach to mitigation of those impacts that ensures the formulation of specific mitigation measures is based on the most up-to-date information possible, which will increase the effectiveness of the final mitigation strategy.

A biological resources site survey (summarized in Appendix C of the DEIR) was prepared for the DEIR, which assessed all potential impact locations described in the Project Description, and the DEIR appropriately inventories all potentially impacted species in Tables 3.4-2 and 3.4-3. A habitat assessment and vegetation map was prepared for the entire area of impact in City Creek and East Twin Creek Spreading Grounds (Figure 3.4-1b and 3.4-1c). The DEIR acknowledges the potential presence of SBKR and avian species in City Creek and East Twin Creek Spreading Grounds based on the site visits and from occurrence data provided in the California Natural Diversity Data Base (CNDDB). In response to comments received on the DEIR, additional species occurrence data in City Creek has been included. As shown in Figure 11-1, SBKR and rare plants have been found on the upper ledges of the river channel, mostly in areas where channel maintenance has not been conducted recently by the SBCFCD. However, near the confluence of City Creek and the SAR, SBKR have been identified near the low flow channel that may be affected by the project.



SOURCE: ESRI, 2015

Sterling Natural Resource Center . 150005

Figure 11-1

Species Occurrence Data

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The DEIR defines the project discharge structures in Figures 2-7a through 2-7d, which are also attached to this response for ease of review. The discharge structure in City Creek would occur in a previously disturbed side of the channel. Figure 11-2 shows a recent Google Earth image of the location as completely devoid of vegetation. In the same image as supported by the vegetation map in the DEIR (Figure 3.4-1b), the center of City Creek is populated with mulefat thickets. This same area is included as an aerial photograph in Figure 2-7a. The vegetation visible in Figure 2-7a is significantly different than the more recent aerial image from Google Earth. Similarly, the low flow channel is in a different location. This emphasizes the need to conduct surveys as close to the time of impact as possible to get an accurate assessment of project impacts within the dynamic and ever-changing creek channel.

SOURCE: Google Earth, 2016

Sterling Natural Resource Center . 150005

Figure 11-2

City Creek Aerial Image

The DEIR recognizes that within the impacted areas within City Creek there is the potential for sensitive plant and animal species to occur. For example, construction of the discharge facility within either City Creek and/or East Twin Creek Spreading Grounds would result in approximately 2,000 square feet of temporary disturbance to RAFSS and approximately 1,000 square feet of permanent disturbance. Once discharged into City Creek, the perennial flow would convert a corridor of the existing mulefat and RAFSS habitat into riparian vegetation. This could impact approximately 1.5 acres of RAFSS in the center of the creek channel. (calculated with GIS as a 50-foot wide corridor overlying the current low-flow channel, impacting mulefat scrub as well as RAFSS). This habitat conversion could affect areas currently occupied by SBKR and rare plants.

In recognition of this potential impact, Mitigation Measures BIO-1 and BIO-2 commit Valley District to replacing impacted sensitive habitat that supports sensitive species in consultation with CDFW and USFWS. In response to comments received on the DEIR, the Mitigation Measures have been refined to expressly require replacement of permanently impacted RAFSS habitat at a ratio no less than 3:1 in consultation with CDFW and USFWS. Valley District is committed to and looks forward to working with the wildlife agencies to develop appropriate compensation for the replacement of RAFSS habitat in City Creek with riparian vegetation.

As summarized below, Mitigation Measures BIO-1 and BIO-2 commit Valley District to avoiding these species where possible and compensating where avoidance is not feasible through consultation and development of appropriate strategies with the wildlife agencies. Deferring specific formulation of mitigation of potential impacts to sensitive species is appropriate here because while the types of plant and animal species that could be encountered during the time of the impact are well understood and identified in the DEIR, their distribution may change over time. This is particularly true in City Creek, where conditions can change due to intermittent flood events. Further, the need to relocate individual plants or animals or provide compensation will depend on how effectively the discharge structures can be located to avoid plants identified during pre-construction surveys, as directed by CDFW and USFWS. Surveys done prior to project approval would not best reflect the impacts that will occur at the time of construction of the project, because there will be lag time between approval and construction as the regulatory process continues. Valley District has concluded that conducting focused surveys closer to the time of construction and basing specific mitigation measures on the results of those surveys is the approach that will best protect the affected biological resources. In sum, formulation of specific mitigation measures to address potential impacts to plant and animal species due to construction and operation of the project must be based on the most current information in order for the measures to be meaningful and effective. A mitigation strategy based on studies conducted now could be entirely ineffective by the time the actual impacts occur, because the conditions of the potentially-impacted area are expected to change over time. Valley District has accordingly concluded that in general, studies that are used to develop specific mitigation strategies should be conducted as close to the time of the potential impact as possible.

Mitigation Measures BIO-1 and BIO-2 properly commit Valley District to conducting surveys closer to the time of the impact in order to better understand the actual on-the-ground conditions

of the areas that will be impacted so that Valley District can work together with CDFW and/or USFWS to determine how impacts to species can be best minimized, avoided, or rectified. In response to comments and to provide further assurances that any impacts will be properly mitigated, and as noted above, Valley District is committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to RAFSS and associated species. The precise details of how necessary mitigation measures will be carried out, however, will still be formulated closer to the time of the actual impacts, when surveys providing up-to-date information regarding the affected species will be formulated. This is not an improper deferral of data collection, but creation of an obligation to conduct additional focused surveys to provide precise data on sensitive plant and animal locations that will allow Valley District, in consultation with CDFW and /or USFWS, to ensure that the mitigation strategy adopted reflects actual conditions.

Mitigation Measures BIO-1 and BIO-2 have been refined as follows:

> **BIO-1: Disturbance to Special-Status Plants**. The following measures will reduce potential project-related impacts to special-status plant species that may occur adjacent to the project site within City Creek to a less than significant level. Potential project-related impacts may result from the construction of the pipeline extension and discharge structure within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds.
>
> a. Prior to the start of construction within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds, a focused botanical survey will be conducted to determine the presence/absence of any of the special-status species with a moderate or high potential to occur. The focused botanical survey will be conducted by a botanist or qualified biologist knowledgeable in the identification of local special-status plant species, and according to accepted protocol outlined by the CNPS and/or CDFW.
>
> b. If a special status ~~state or federally-listed~~ plant species is discovered in a project impact area, informal consultation with CDFW and/or USFWS will be required prior to the impact occurring to develop an appropriate avoidance strategy. Depending on the sensitivity of the species, relocation, site restoration, or other habitat improvement actions may be an acceptable option to avoid significant impacts, as determined through consultation with the resource agencies.
>
> c. If impact avoidance of a state or federally-listed species is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed plant species within the construction area and estimated perennial flow area and prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected plants species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS.

d. Permanent impacts to RAFSS habitat from construction and operation of the discharge including within the City Creek channel resulting from perennial flow shall require on-site replacement or off-site compensation at a ratio of at least 3:1 in consultation with CDFW and USFWS. Temporary impacts to RAFSS habitat would be mitigated at a ratio of at least 1:1 in consultation with CDFW and USFWS.

BIO-2: Disturbance to Special-Status Wildlife. The following measures will reduce potential project-related impacts to special-status wildlife species that may occur within disturbed and native habitats, to a less than significant level. Potential project-related impacts may result from construction of the SNRC, construction of the discharge structures within City Creek and other discharge locations, and perennial discharges to City Creek or other discharge locations.

a. Prior to the start of construction within City Creek or other discharge locations, Valley District shall conduct focused surveys within the project impact areas to determine if any state or federally-listed wildlife species (southwestern willow flycatcher, coastal California gnatcatcher, San Bernardino kangaroo rat, and least Bell's vireo) are located within project impact areas. Focused surveys will be conducted by a qualified and/or permitted biologist, following approved survey protocol. Survey results will be forwarded to CDFW and USFWS. If state or federally-listed species are determined to occur on the project site with the potential to be impacted by the project, consultation with CDFW and/or USFWS will be required.

b. If impact avoidance is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed wildlife species within the construction area and estimated perennial flow area and prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected wildlife species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS.

c. Prior to the start of construction of the SNRC building and the recycled water pipeline along 6th Street, focused burrowing owl surveys shall be conducted to determine the presence/absence of burrowing owl adjacent to the project area. The focused burrowing owl survey must be conducted by a qualified biologist and following the survey guidelines included in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If burrowing owl is observed within undeveloped habitat within or immediately adjacent to the project impact area, avoidance/minimization measures would be required such as establishing a suitable buffer around the nest (typically 500-feet) and monitoring during construction, or delaying construction until after the nest is no longer active and the burrowing owls have left. However, if burrowing owl avoidance is infeasible, a qualified biologist shall implement a passive relocation program in accordance

with the *Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans* of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

d. Prior to the start of construction within City Creek, pre-construction site clearing surveys will be conducted of the project impact area within natural habitats. Any special status ground-dwelling wildlife will be removed from the immediate impact area and released in the nearby area.

e. Permanent impacts to RAFSS habitat from construction and operation of the discharge including within City Creek channel resulting from perennial flow shall require on-site replacement or off-site compensation at a ratio of at least 3:1 in consultation with CDFW and USFWS. Temporary impacts to RAFSS habitat would be mitigated at a ratio of at least 1:1 in consultation with CDFW and USFWS.

Deferred Mitigation

The comment also states that permit negotiations conducted outside of the CEQA process are not CEQA compliant. The DEIR recognizes that within the impacted areas within City Creek there is the potential for sensitive plants to occur. Mitigation Measure BIO-1 commits Valley District to avoiding these plants where possible and compensating where avoidance is not feasible through consultation with the wildlife agencies. Valley District is conducting protocol level surveys in the spring of 2016 within the impact zones to support the Endangered Species Act consultation under Section 7. This is an appropriate mitigation strategy and does not require recirculation of the DEIR. Since conditions within City Creek change over time due to flood events, Mitigation Measure BIO-1 rightfully commits Valley District to conducting surveys closer to the time of the impact in order to implement the project's impact minimization action requirements as outlined in the Mitigation Measure. Valley District is committed to and looks forward to working with the wildlife agencies to develop appropriate compensation for the replacement of RAFSS habitat in City Creek with riparian vegetation.

The types of plant and animal species that could be encountered during the time of the impact are well understood and identified in the DEIR. However, their distribution may change over time, so surveys need to be conducted close to the time of impact. The need to relocate individual plants or provide compensation will depend on how effectively the discharge structures can be located to avoid plants identified during pre-construction surveys, as directed by CDFW and USFWS. The requirement to conduct additional focused surveys to provide precise data on sensitive plant and animal locations close to when the impact will occur is not a deferral of data collection and the DEIR does not need to be recirculated.

With respect to the comment that requiring additional surveys is a deferred mitigation, CEQA does not categorically prohibit deferred formulation of the specific details of mitigation measures. To the contrary, when the Lead Agency commits itself to mitigation that will satisfy performance standards articulated at the time of project approval, deferred development of the specifics of mitigation is permissible. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208

Cal.App.4th 899, 944-945.) In other words, while section 15126.4(a)(1)(B) of the CEQA Guidelines states that formulation of mitigation measures should not be deferred, it also provides that mitigation measures may specify performance standards which would mitigate the significant effects of the project and which can be accomplished in more than one way. This does not preclude the later formulation of specific mitigation measures, but instead means that when specific mitigation measures will be formulated later, the performance criteria for such mitigation measures must not be loose or open-ended. Measures that require future formal consultation and determination of measures to mitigate impacts or compensate for loss are sufficiently definite to ensure that impacts will in fact be mitigated. (*Rialto Citizens*, 208 Cal.App.4th at 944-945.)

Deferred formulation of the details of mitigation is particularly proper when another regulatory agency must issue a permit for the project and is expected to impose specific mitigation requirements through that permitting process, as long as the EIR for the project includes performance criteria and the Lead Agency has committed itself to mitigation. In the *Rialto Citizens* case, which involved a large retail development project, several special status plant and animal species (including the San Bernardino kangaroo rat and the western burrowing owl) had the potential to occur on the project site. To mitigate the potential impacts to those species, the EIR proposed mitigation measures involving future site surveys and habitat assessments, the results of which would guide further efforts to mitigate potential significant impacts. For example, if a SBKR habitat assessment was positive, trapping efforts would be undertaken. If the trapping efforts found members of the species, the project proponent would be required to consult with USFWS or the Lead Agency to determine the appropriate off-site mitigation, which would require approval under section 10(a) of the Federal Endangered Species Act. The Court of Appeal found that these types of measures were sufficiently definite to mitigate potential impacts to the species, and did represent proper deferral of mitigation. In short, when a Lead Agency has committed to conduct future surveys, requires future regulatory review based on the results of those surveys, and identifies methods that will be considered for mitigating potential impacts, no improper deferral of mitigation has occurred.

In addition, courts have made clear that regulations designed to protect environmental resources provide sufficient performance standards to satisfy CEQA, and that an agency does not improperly defer mitigation when it commits to complying with such regulations. The court in *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 234 Cal.App.4th 214, 246 noted that that "[A] condition requiring compliance with regulations is a common and reasonable mitigation measure, and may be proper where it is reasonable to expect compliance." Similarly, best management practices can also serve as the standards that make deferral of mitigation appropriate. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App. 4th 777, 796.)

Here, Valley District has adopted a mitigation strategy very similar to that approved by the court in the *Rialto Citizens* and the *Center for Biological Diversity* cases. Valley District has identified general performance criteria and potential mitigation measures that can be implemented to meet those criteria and committed to developing specific mitigation measures through the formal consultation process. Valley District has determined that basing specific mitigation measures on

information acquired closer to the time of the expected impacts is the best way to ensure that impacts are in fact ameliorated or rectified. Discussions of the mitigation measures set forth in the EIR should be read with this overarching strategy in mind. For example, the project will not divert water from the Santa Ana River until the HCP or HMMP has been finalized and, with respect to habitat impacts related to construction and operation of the project, will also meet at least a 1:1 mitigation ratio for temporary habitat impacts and a 3:1 ratio for permanent habitat impacts. Future permitting processes will serve to better refine and further develop appropriate mitigation and, importantly, will give CDFW and other agencies further opportunities to suggest how mitigation strategies can be best adapted to respond to the actual conditions of the impacted areas. Valley District is eager to develop mitigation measures that have the best chance of benefitting the affected species, and looks forward to collaborating with CDFW and USFWS to develop both an effective plan for mitigating the project's impacts, and a regional, long term strategy for improving the system in City Creek for both RAFSS and riparian dependent species.

Comment CDFW-2

The commenter agrees with the DEIR's finding of significant impact on the Santa Ana sucker and recommends that the mitigation strategy include a manipulation of water temperature to aid in the reduction of the red alga growth downstream of the RIX outflow.

Response to CDFW-2

Mitigation Measure BIO-3 outlines conservation measures to improve habitat conditions within the segment of the SAR directly below the RIX discharge. In particular, and consistent with this comment, SAS Measure SAS-5 includes providing supplemental water to lower water temperatures during the summer months in the Rialto Channel to improve habitat conditions. The DEIR concludes that the ability to introduce colder water into the Rialto Channel would improve habitat conditions compared with the existing condition. Although red alga is a concern in the areas downstream of the RIX discharge, the intent is that introduction of colder water in the Rialto Channel will have temperature-reducing effects downstream, which could help hinder growth of red alga. As part of the HCP, measures to decrease the prevalence of red alga will be evaluated. One potential action would be to introduce cooler groundwater and institute high flow pulse event flows as outlined in Mitigation Measure BIO-3. Precise formulation of strategies to control factors that adversely affect the SAS and its habitat, like red alga, will be a key component of the HCP and the HMMP.

Comment CDFW-3

The comment recommends that the DEIR should identify the minimum flows necessary to maintain the heath and persistence of aquatic resources in Rialto Channel and the Santa Ana River downstream, and to identify groundwater resources within the Upper Santa Ana River Basin.

Response to CDFW-3

Minimum Flow Study

The DEIR describes the existing condition of the SAR and RIX discharges on page 3.4-48. The Reduced Discharge Study estimates the impact to depth and velocity that may occur if discharges were reduced. Determining low flow requirements is complex since depth and velocity can vary substantially depending on the channel geometry and flow obstructions. In addition, preferred depth and velocity may be different for younger stage juveniles than for adults, recommending a variety of conditions within a targeted river segment. For these reasons, the scientific community has not established a widely accepted minimum flow volume although the USGS is in the process of developing a Habitat Suitability Model for the Santa Ana sucker as part of the HCP planning process. The model, which is expected to be completed and tested in the summer of 2016, will be used by this project and others to determine the most effective conservation activities for the species.

However, establishment of a fixed minimum flow volume is not necessary in order to accurately assess the impacts of flow reduction or identify measures that will mitigate those impacts. In general, the project proposes to reduce the constant flow of water by 20% in a system that is already experiencing a multitude of stressors. Due to the currently degraded condition of the SAR habitat and a proposed reduction of constant flow, the DEIR concluded that the impact to the Santa Ana sucker in particular is properly deemed "significant and unavoidable."

Even without reference to a definitive low flow "basement," Valley District has been able to identify potential impacts and develop appropriate mitigation measures. Measure BIO-3 outlines conservation commitments to be included in a Habitat Management and Monitoring Plan (HMMP) to specifically address the direct, indirect, and cumulative impacts of the proposed project. Notably, the volume of flow in the Santa Ana River is not the only factor affecting SAS survival. While the project will reduce river flows, the matrix on page 3.4-52 of the DEIR sets forth measures that address numerous other factors that affect the long-term viability of the SAS. Improving those factors compared to existing conditions will help ameliorate the impacts of the project resulting from reduced flows, in part by creating a buffer against catastrophic events, including periodic dewatering events, which could otherwise result in virtual extirpation of the species.

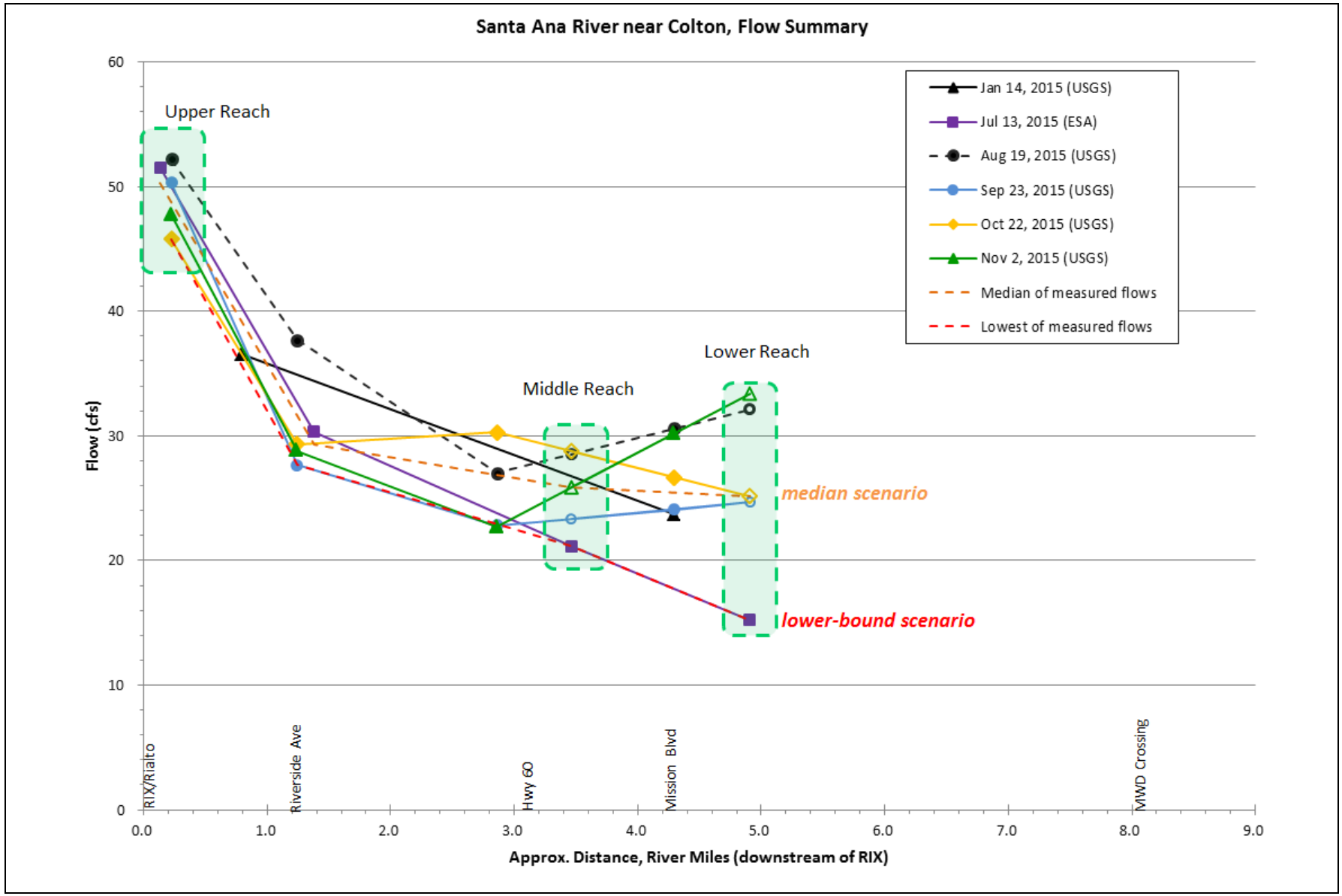
In other words, the HMMP is designed to not simply rectify the impacts of the project in a way that will maintain the current status quo – which has not been beneficial to species like the SAS, to say the least – but to address, in a long-term, comprehensive manner, a variety of existing conditions that adversely affect the SAS and other species, like the Arroyo chub. Valley District has concluded that the project's reduction of river flows is properly deemed a significant and unavoidable impact to the SAS, but in an effort to rectify that impact as CEQA requires, is committed to addressing numerous other undesirable conditions that interfere with the long-term survival of the species. Furthermore, through this project Valley District proposes to begin implementing the first phase of a long-term, regional conservation strategy that will provide the framework for recovery of the species.

Groundwater Contributions to SAR Flow

The Reduced Discharge Study incorporates USGS data of river flows that suggest groundwater contributions starting to appear in the lower study area. In response to concerns provided by the USFWS, the Reduced Discharge Study has been updated with more conservative assumptions on contributions of groundwater at the lower study area reach. Appendix H of the FEIR includes this update to the Study. As shown in Figure A1 of the Study Update (see below), USGS data collected on a monthly basis in 2015 show a wide variety of water depth in the lower study area reach. The USGS data show that the data provided in the DEIR for the lower reach on Figure 3.4-3 are conservatively low. In recognition that the relationship of the surface water flow and groundwater contribution in the SAR is complex, and to ensure a conservative analysis, the updated Reduced Discharge Study provides results of the hydrology model assuming zero contribution from groundwater. The results are summarized in the Table 3 from the Reduced Discharge Study below. The results show slightly greater impacts compared to the analysis assuming groundwater contribution. The revised analysis shows a 7 percent average decrease in wetted area as opposed to 6 percent in the initial model results. Similarly, maximum change in velocity and depth are similar to and slightly greater than the initial model results.

TABLE 3
MAXIMUM AND MEAN CHANGE IN AREA WITHIN A VELOCITY OR DEPTH ZONE, AND CHANGE IN WETTED CHANNEL AREA UNDER A LOWER BOUND AND MEDIAN FLOW SCENARIO, FOR A 6 MGD REDUCTION AT RIX

Flow scenario	Reach	Max. change (±) in area of a velocity or depth zone	Mean change in area of a velocity or depth zone	Change in wetted area over existing condition	Average change in wetted area over existing condition
Lower Bound flow scenario	Upper	8%	2%	-5%	
	Middle	7%	2%	-12%	-7%
	Lower	11%	3%	-4%	
Median flow scenario	Upper	7%	2%	-3%	
	Middle	8%	2%	-7%	-4%
	Lower	10%	3%	-3%	



SOURCE: ESA and USGS

Note: solid markers denote measured data points;
hollow markers denote interpolated or extrapolated data

Santa Ana River Low Flow Study, D150005

Figure A1

Revised flow data used for existing and proposed conditions

The conclusions of the Study Update are that the contribution of groundwater in the lower study area reach is complex and variable. However, the data do show that the river becomes a gaining stream to some varying degree as it slows and enters the lower study area reach above the MWD crossing. The updated study conducts the analysis assuming zero contribution from groundwater and finds similarly minimal impacts.

Mitigation Measure BIO-3 has been modified to include SAS-7 as shown below to include hydrologic monitoring of the SAR below RIX to better understand the seasonal and diurnal fluctuations in river flow.

BIO-3: Disturbance to Santa Ana sucker. …

- **SAS-7: Monitoring.** The HMMP will outline a monitoring program to collect hydrology data in the segment of river between the RIX discharge and Mission Boulevard. The data will include flow velocity and depth.

Beginning in July 2015, the USGS began collecting monthly data to assess the surface flow and groundwater infiltration interaction between the Rialto Channel and Mission Blvd. Preliminary results of this study are expected by the end of 2016 and will inform decisions by the HCP and others as to the priority conservation activities to benefit the species in this reach.

Comment CDFW-4

The comment notes that protection of nesting birds is the responsibility of the project proponent and that pre-construction surveys should be conducted within 30 days prior to the start of construction and no more than three days prior to vegetation clearing.

Response to CDFW-4

Mitigation Measure BIO-5 outlines protocols for ensuring that the project would not impact nesting birds. The mitigation measure requires pre-construction surveys to be conducted 30 days prior to commencement of construction activities and again within 3 days of construction. Mitigation Measure BIO-5 has been modified to clarify this requirement:

> **BIO-5: Disturbance to Nesting Birds**. To minimize potential construction-related project impacts to avian species that may be nesting on or immediately adjacent to the project area, the following measures will reduce any potential impact to a less than significant level.
>
> a. To avoid potential impacts to birds that may be nesting on or immediately adjacent to the project area, construction of the project should avoid the general avian breeding season of February through August.
>
> b. If construction must occur during the general avian breeding season, a pre-construction clearance survey shall be conducted within 30 days prior to the start of construction, to determine if any active nests or sign of nesting activity is

located on or immediately adjacent to the project area, specifically at the proposed SNRC location. An additional survey shall be conducted within 3 days prior to the commencement of construction activities. If no nesting activity is observed during the pre-construction survey, construction may commence without potential impacts to nesting birds.

c. If an active nest is observed a suitable buffer will be placed around the nest, depending on sensitivity of the nesting species, and onsite monitoring may be required during construction to ensure no disturbance or take of the nest occurs. Construction may continue in other areas of the project and construction activities may only encroach within the buffer at the discretion of the monitoring biologist. The buffer will remain in place until the nestlings have fledged and the nest is no longer considered active.

Comment CDFW-5

The comment states that Mitigation Measure BIO-2 should include specific, enforceable, and feasible actions to mitigate impacts to burrowing owl.

Response to CDFW-5

Burrowing Owl Impact Survey and Mitigation

The deferred formulation of mitigation measures to address impacts to the burrowing owl is due to the fact that biological surveys of the SNRC site and discharge locations turned up no sign of burrowing owl. However, the DEIR notes on page 3.4-26 that burrowing owl have been observed within ½ mile of the site, and so they may later be encountered at either the SNRC site or discharge locations. In addition, as required in the Burrowing Owl Survey Protocol, the field biologists noted suitable habitat within the project impact areas. However, the requirements for suitability are broad, including any open area with exposed dirt. Conducting additional surveys closer to the time of impact is appropriate to ensure that nesting owls are not impacted. Mitigation Measure BIO-2 specifically commits Valley District to implement CDFW-recommended burrowing owl survey protocols prior to construction that would include providing compensatory habitat replacement if occupied habitat is developed. However, no burrowing owls have been observed using the potentially affected project areas. Therefore, providing compensatory mitigation at this time is unwarranted.

Thus, based on current knowledge no burrowing owls are present within the impact areas, but this could change by the time construction begins. It will be necessary to conduct surveys closer to the time of impact to better understand whether the burrowing owl has moved into the impact areas or will otherwise be affected by the project. The surveys will be conducted in accordance with CDFW-recommended protocols. The results of those future surveys will inform the selection of mitigation measures that will avoid or rectify any impacts to the burrowing owl, potentially including compensation for loss of occupied habitat, establishment of a suitable buffer (typically 500 feet) around nests, monitoring during construction or delaying construction, and, if necessary, passive relocation in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation.

(See Mitigation Measures BIO-2, which commits Valley District to conducting future surveys and development of appropriate mitigation, and lists potential mitigation strategies.) The ultimate goal of the selected mitigation measures will be to ensure that any impact to the burrowing owl is rendered insignificant.

Valley District has concluded that this is the best approach to mitigation of potential impacts to the burrowing owl. If mitigation measures were formulated at this time, they would rely on a certain degree of guesswork and speculation because no owls were found in the impact areas. By conducting additional focused, site-specific surveys closer to the beginning of construction, Valley District can develop a mitigation strategy that makes use of the best available information and thus will more effectively address the project's actual potential impacts to the owl.

Comment Letter – City of Colton (Colton)

Colton-1

The comment requests information regarding the impact of the project to the operation of the RIX plant, and notes potential impacts to Santa Ana sucker habitat.

Response to Colton-1

The proposed project would not significantly affect the operations of the RIX facility, but would reduce influent volume. As explained in the Draft EIR on page 1-2, the proposed project would divert all EVWD effluent, which is 6 MGD, from RIX. The project does not impact remaining operations of the RIX facility, including its service to the Cities of San Bernardino and Colton. To address potential impacts to the SAS, the DEIR includes Mitigation Measure BIO-3, which incorporates an extensive array of activities that will be undertaken to improve SAS habitat and long-term viability of the species.

Comment Letter – City of Highland (Highland)

Comment Highland-1

The comment states that any land use not specifically authorized or identified in the zoning code is prohibited. The comment states that the DEIR incorrectly interpreted the Sterling Natural Resource Center (with all its components) to be compatible with the City's Business Park Zoning District. The comment suggests that the DEIR be modified to reflect that the existing Business Park Zoning District only permits the office component of the Sterling Natural Resource Center project.

Response to Highland-1

Valley District agrees with the City of Highland comment that the existing Business Park Zoning District permits the Administration Center component of the Natural Resource Center project. As noted in the DEIR, the administrative office uses are a permitted use in the Business Park designation and are listed as such in Table 16.24.030.A of the City of Highland Municipal Code (HMC). The Administration Center of the SNRC will be located to the West of Del Rosa Drive. Valley District also recognizes that this use will be subject to a departmental review permit application pursuant to Chapter 16.08 HMC.

The Wastewater Treatment Facility of the SNRC is not a use expressly permitted within the Business Park Zoning District nor does it expressly comport with the land use designation established by the City of Highland General Plan. However, the Government Code expressly exempts wastewater and water treatment facilities from local zoning regulations, including general plan land use designations, and building regulations. Like the DEIR, the City's comment letter correctly cites to the applicable statutes, Government Code Sections 53091 and 53095.

Government Code section 53091(e) provides, in pertinent part: "Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water…" The courts have held that this exemption extends to facilities directly and immediately used to generate, transmit or store water. As stated in *City of Lafayette v. East Bay Municipal Water District*:

> "We think the absolute exemption of section 53091 was intended to be limited to facilities directly and immediately used to produce, generate, store or transmit water. Only those indispensable facilities must be located at the unfettered discretion of a water district – that is, without the burden of city and county zoning regulations – in order to assure the imperative of efficient and economical delivery of water to customers."

City of Lafayette v. East Bay Municipal Water District (1993) 16 Cal. App. 4th 1005, at 1014. In 2002, the absolute exemption passage discussed in the *City of Lafayette* case was amended to add water "treatment" to the scope of its exemption. 2002 Cal. Legis. Serv. Ch. 267 (S.B. 1711). Moreover, *Government Code* Section 53095 provides that the exemption of Section 53901 also

extends to a city's General Plan land use designations. Because of these exemptions, the water production, generation, treatment and transmission aspects of the SNRC can be built and cannot be evaluated as inconsistent with the local land use designation of the site.

The City has requested that Valley District collaborate in the review and approval of street improvement plans, construction plans and to amend the City's general plan to the Public/Quasi Public zoning designation. While Valley District does not waive the applicable governmental immunities discussed above, it will cooperate with the City regarding street improvement plans, construction plans and any City-initiated General Plan amendment so long as the approval process does not adversely impact or delay construction or operation of the SNRC.

Comment Letter - City of Rialto (Rialto)

Comment Rialto-1

The comment concurs with the analysis in the DEIR and states that the reduction of 6 MGD would not cause harm to biological resources in the Santa Ana River. The comment requests that the DEIR evaluate use of the supplemental water wells on local groundwater and SAR base flow.

Response to Rialto-1

The Updated Reduced Discharge Study estimates that impacts to the depth and velocity of the SAR from the proposed project would be minor. The Updated Study supports this conclusion using a more conservative assessment of the groundwater contribution to the river in the lower study area. The results of the Updated Study are provided in Appendix H and explained in Response to Comment CDFW-3. The Updated Study provides data that suggest that groundwater interaction with surface water in this portion of the watershed is complex. The Updated Study includes water depth data collected by USGS that show wide variety in depths in the lower reach each time it is measured. The data suggest that groundwater inflow fluctuates, possibly indicating that local extraction rates from nearby wells are similarly variable. Due to the distance from the proposed supplemental Rialto wells to the lower study area (over one mile), the potential for these supplemental water wells to affect groundwater contributions into the SAR is low. The wells are over a mile from the point in the river within the lower study area reach where groundwater first contributes to the SAR. Furthermore, this contribution exhibited in the data may be mostly underflow from surface water percolating up stream. The zone of influence from the Rialto wells is not expected to extend over a mile down river. Groundwater levels near the SAR are influenced by the cumulative pumping activities in the entire region. The DEIR concludes on page 3.9-24 that the potential impact to the cumulative groundwater condition from the proposed Rialto wells would be minor compared to other pumping activities.

Please see Responses to Comments CDFW-3, OCWD-1, OCWD-2 and SEJA-51.

Comment Letter – City of Riverside Public Utilities Department (RPU)

Comment RPU-1

The comment suggests that a study be completed to demonstrate no adverse impacts will occur to certain RPU wells.

Response to RPU-1

The DEIR evaluates potential impacts to neighboring municipal production wells on page 3.9-22. The DEIR imposes Mitigation Measure HYDRO-2 that requires that Valley District install a monitoring well network to evaluate potential water quality impacts associated with the project. The mitigation measure provides performance standards if monitoring finds that impacts are occurring. The performance standards include providing replacement water if the effects are not otherwise mitigated. The DEIR concludes that with implementation of Mitigation Measure HYDRO-2, impacts to neighboring wells would be less than significant.

The DEIR acknowledges in Table 2-9 that the project would be required to obtain a discharge permit from the RWQCB. Valley Water has been engaged in discussions with the Santa Ana RWQCB and the State Water Resources Control Board, Division of Drinking Water (DDW) regarding permit requirements for discharge from the Sterling Natural Resource Center (SNRC). Numerous technical analyses have been and are being undertaken to evaluate the transport of the recycled water upon discharge from the SNRC, whether into City Creek or one of the other identified recharge locations. Appendix I of the FEIR includes full reports of the groundwater modeling conducted for each of the recharge locations.

The modeling results prepared by Geoscience Support Services Inc. (GSSI) (Appendix I) show there is no impact to the Gage wells from a discharge into City Creek, as shown in Figure 11-3 below. The blue lines are “particle tracks” that represent recycled water flows in the groundwater system that would result from a 10-MGD discharge to City Creek. The figure shows that after 12 months, recycled water particles have traveled less than 2,000 feet west within the groundwater basin. DDW approval of the proposed groundwater recharge activities will require that no adverse impacts occur to any nearby drinking water wells.

Similar work evaluating discharge to the Redlands Basins has also been conducted. The results of those analyses indicate a 10 MGD discharge at Redlands Basins would not reach any drinking water wells after 6 months, and it would take more than 20 years for the recycled water contribution to reach 20 percent at the Gage Wells as shown in Figure 11-4. The regulatory requirement is the recycled water contribution (RWC) to be less than 20 percent after 10 years of residence/travel time.

These and similar analyses of a potential discharge to the East Twin Creek Spreading Grounds (Appendix I) will be utilized in working with the RWQCB and DDW to refine the locations and

requirements of the proposed discharges. Any discharges to the East Twin Creek Spreading Grounds will not impact any Riverside wells.

Furthermore, water quality testing will occur on any potential well that would be used to supply supplemental water to the Rialto Channel. Supplemental water would meet all water quality standards defined by the RWQCB and as required by a NPDES discharge permit.

Comment RPU-2

The comment states there should be a study to determine if any adverse impacts will occur to RPU's groundwater wells. The comment states that in the event the analysis is flawed and an impact was to occur, RPU would expect Valley District to discontinue discharging until the problem was resolved.

Response to RPU-2

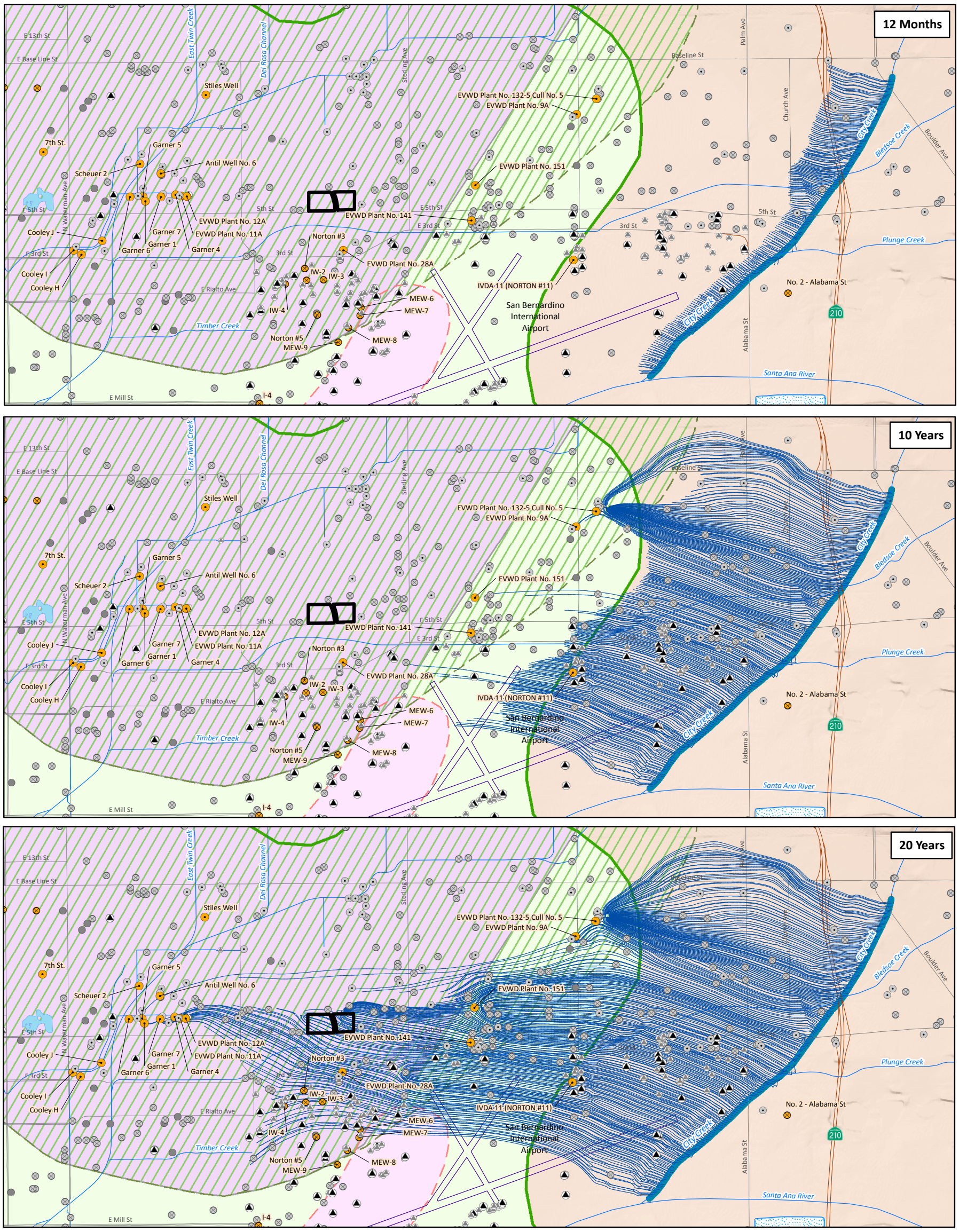
As stated in Response to Comment RPU-1, the requested studies are underway as a part of the on-going process of developing discharge requirements through consultation with the Regional Board and DDW. DDW approval of the proposed groundwater recharge activities will require that no adverse impacts occur to any nearby drinking water wells.

Comment RPU-3

The comment suggests a study be completed to inform RPU if the groundwater beneath their currently unused property will be adversely impacted. The comment suggests that an MOU be created that describes appropriate solutions to remedy any potential impact.

Response to RPU-3

The State of California, Title 22, has been amended on numerous occasions to reflect greater control over discharge of recycled water/treated wastewater to groundwater basins. Current regulations require establishment of an area of restricted pumping for domestic use in the downstream gradient of recycled water/treated wastewater discharge locations, and it is anticipated that such a zone of restricted pumping will be required downstream of the permitted discharge locations for the SNRC. The analyses to establish the extent of any required zone of restricted pumping is underway and is a part of the analyses required by the Regional Board and DDW prior to their consideration of issuance of a permit for discharge. Valley District appreciates the opportunity to work on developing an MOU with RPU.



Proposed City Creek Discharge Facility

Municipal Well Status

- Active
- Abandoned / Destroyed or Inactive

Monitoring Well Status

- Monitoring
- Abandoned / Destroyed or Unknown
- Unknown Well Type

Extraction / Injection / Industrial / Private / Irrigation Well Status

- Active
- Abandoned, Destroyed, Unknown, Extraction or Inactive

Well Status Sources: CDPH, COOP Water Level Measurement Program, EVWD, Watermaster

- Existing Recharge Basins
- Pressure Zone
- Recycled Water Particle Track
- Perchlorate Plume (Tetra Tech Nov. 2013 Interpretation, GEOSCIENCE, 2010)
- Nitrate Plume (GEOSCIENCE, 2010)
- November 2013 Measured TCE Concentrations >5 ug/L (Tetra Tech, Inc. July 2014., GEOSCIENCE, Oct. 2009)

Faults and Groundwater Barriers (USGS, 2016.)

- Solid Where Known
- Dashed Where Inferred
- Dotted Where Concealed
- Proposed Sterling Natural Resource Center

NORTH

0 1,000 2,000 3,000 Feet

SOURCE: Geoscience Support Services Inc, 2016

Sterling Natural Resource Center . 150005

Figure 11-3

City Creek Proposed Discharge

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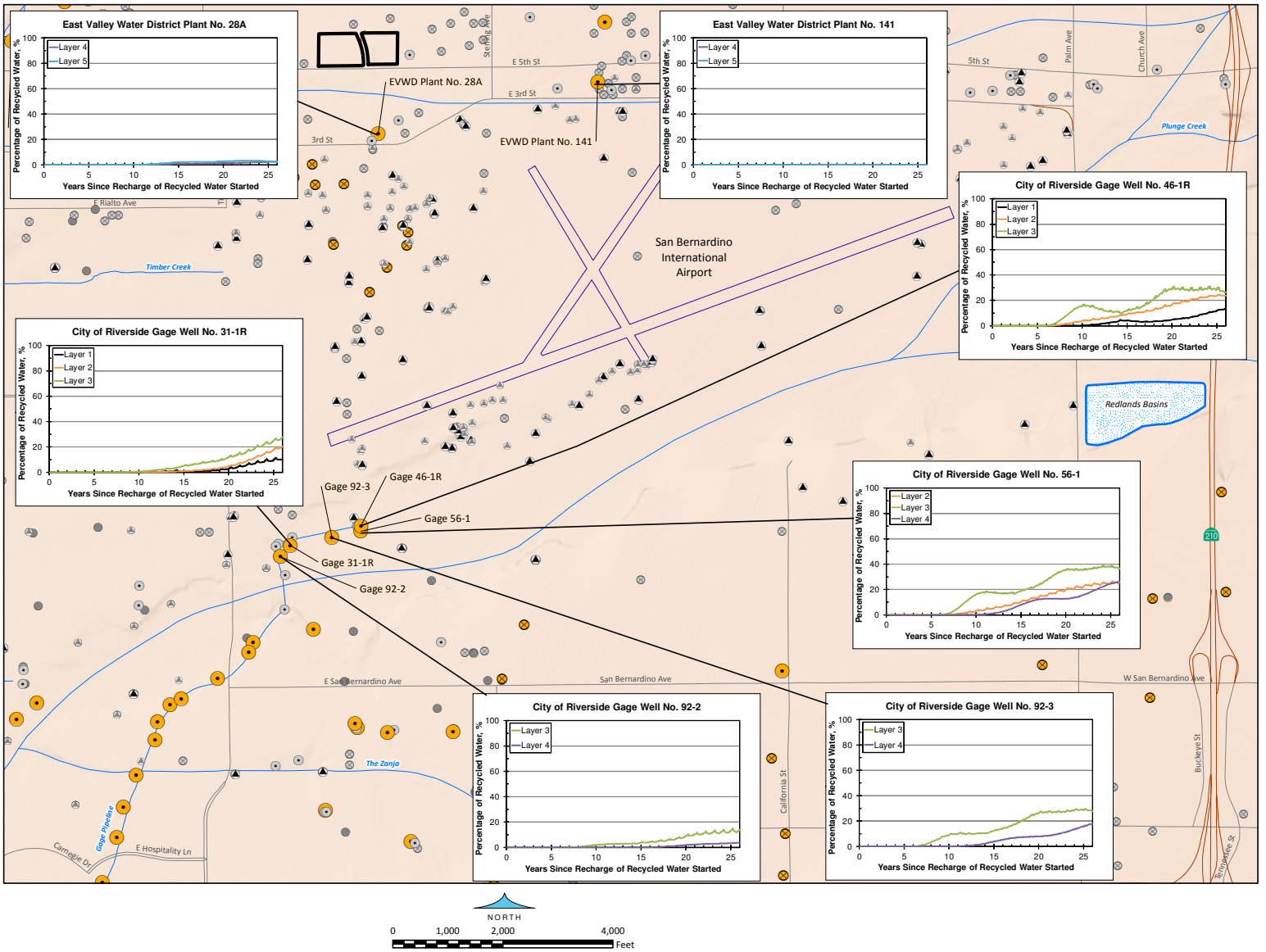


EXPLANATION

Municipal Well Status

- Active
- Abandoned / Destroyed or Inactive

Monitoring Well Status

- Monitoring
- Abandoned / Destroyed or Unknown

Extraction / Injection / Industrial / Private / Irrigation Well Status

- Active
- Abandoned, Destroyed, Unknown, Extraction or Inactive
- Unknown Well Type

Well Status Sources:
CDPH, COOP Water Level Measurement Program, EVWD, Watermaster

- Redlands Basins
- Proposed Sterling Natural Resource Center

SOURCE: Geoscience Support Services Inc, 2016

Sterling Natural Resource Center . 150005

Figure 11-4

Redlands Basins Proposed Discharge

Comment RPU-4

The comment states that it should be confirmed that the Operational Manual for City Creek Discharges will ensure that under all conditions the proposed City Creek effluent discharges will always remain above the confluence with the Santa Ana River. The comment states that the Operational Manual should include a Contingency Plan should the effluent reach beyond the confluence with the Santa Ana River.

Response to RPU-4

The intent of the SNRC is to provide treatment to wastewater flows from the East Valley Water District and to recharge those treated flows into the Bunker Hill Basin for future use. As such, the proposed discharge to City Creek is being formulated to achieve essentially full recharge of the treated flows prior to the confluence of City Creek with the Santa Ana River. The objective would be to maintain a wetted stream to the confluence while not "losing" any of the flow into the Santa Ana River from recharging into the Bunker Hill Basin.

The Operation Manual for City Creek Discharges will address the dry and wet weather flow periods and will provide a basis for diverting discharges from City Creek to either the East Twin Creek Spreading Grounds or the Redlands Basins during wet weather flow conditions, so that the recycled water would continue to be recharged into the Bunker Hill Basin. Regional Board approval of the proposed City Creek discharge will ensure that surface water quality is protected during all conditions.

Comment RPU-5

The comment requests that groundwater modeling results be provided.

Response to RPU-5

The Regional Board/DDW permitting process requires analyses that provide a clear demonstration that the proposed discharge will not harm the Bunker Hill groundwater basin or the identified beneficial uses within the basin. As stated in Response to Comment RPU-1, groundwater modeling to support Regional Board/DDW permitting is currently underway. A part of that analysis requires that the initial 10-year average recycled water contribution at the nearest well not exceed 20 percent of the water pumped from that well.

Valley District has conducted groundwater modeling of the proposed recharge that is included in Appendix I of the FEIR. Although some of the basin's assimilative capacity would be utilized by the proposed SNRC discharge, the minor increase in TDS concentration basin-wide is not considered significant. It is not believed that this minor increase in TDS in the nearest well, and less increases in TDS in the overall groundwater basin and therefore other wells, would result in adverse impact on the RPU's overall water quality or its ability to meet discharge requirements from its Regional Water Quality Control Plan.

Comment RPU-6

The comment states that Valley District is expected to adhere to all stipulations within the Western-San Bernardino Judgment. The comment states that RPU expects that the 16,000 acre-foot effluent commitment will not consist of over-extracted Riverside North groundwater generated from the RIX extraction wells, treated effluent generated from Colton's discharge, or mitigation groundwater produced by Valley for use in Rialto Channel.

Response to RPU-6

Valley District will continue to adhere to all of the provisions of the *Orange County* and *Western* Judgments. Neither of those Judgments limits the sources of water that can be used to meet Valley District's obligations. Valley District trusts that the comment does not suggest that RPU wishes to alter the terms of those Judgments.

The DEIR concludes that even with the reduction of 6 MGD from the RIX discharge, Valley District's water delivery obligation under the 1969 Judgment would be maintained through the remaining RIX discharges. The DEIR further concludes that the water delivery obligation is Valley District's as the regional water agency, though, as discussed below, the City of San Bernardino has agreed to discharge sufficient water to meet Valley District's obligation under the *Orange County* Judgment.

At present, under the terms of the *Orange County* Judgment, Valley District is entitled to reduce actual flows at Riverside Narrows to 12,420 afy of base flow due to the credits that Valley District has accrued since 1969. Valley District is prepared to enter into a memorandum of understanding with the City of San Bernardino that would: (i) allow for flow reductions from RIX or other sources so as only to provide 12,420 afy at Riverside Narrows rather than discharging the full 16,000 afy as required by the agreement between the City of San Bernardino and Valley District; (ii) allow the City of San Bernardino to use up to 3,580 afy that would have been discharged for the purpose of replenishing the San Bernardino Basin Area, replacing the 3,580 afy with credits previously accrued by Valley District under the terms of the *Orange County* Judgment; and (iii) prevent the City of San Bernardino from selling, leasing, or otherwise conveying or transferring the 3,580 afy, directly or indirectly, outside the boundaries of Valley District.

Please see Response to Comment OCWD-1.

Comment Letter – Inland Valley Development Agency (IVDA)

Comment IVDA-1

The comment states that more detail and analysis should be included and that mitigation measures defer information collection.

Response to IVDA-1

Chapter 2 of DEIR includes a project-level description of the proposed project that includes maps of project components. For each impacted resource, mitigation measures are listed throughout the DEIR. A list of those mitigation measures can be found in Table ES-1 on pages ES-7 to ES-23. Mitigation of the project's impacts is not improperly deferred; instead the DEIR properly commits Valley District to specific mitigation measures, regulatory approvals with adherence to their and other identified performance standards, and timely focused additional studies that will be used to develop the precise mitigation strategies that will be most effective in avoiding or rectifying the impacts of the project.

For more information on proper deferral of mitigation, please see Responses to Comments CDFW-1, CBD-3, and CBD-6

Comment IVDA-2

The comment states that there should be specific information on project construction, maintenance, operational and mitigation measure costs in the DEIR.

Response to IVDA-2

The DEIR does not evaluate the cost of the project since cost is not an environmental impact. Project costs are included in the Update of the Recycled Water Feasibility Study 2015. As the responsible decision makers, the Valley District Board of Directors will consider project costs when considering approval of the project, which will occur as a separate action from the certification of the Final EIR.

Comment IVDA-3

The comment states that more detail should be included regarding what odor control systems will be implemented and the expected efficiency of those systems. The comment states an assessment of potential residual odors should be provided.

Response to IVDA-3

The Draft EIR identifies the odor control systems that would be implemented to capture and treat foul smells (page 2-12).The DEIR explains the effect of the odors that would be produced by the proposed project and the mitigations that would be implemented to reduce those impacts. As stated in 3.3-5, "To minimize detectable odors outside the project site boundaries, all the

proposed treatment processes would be enclosed and subject to a facility-wide odor control system. The collected air would be treated through bio-scrubbers, using best available odor control technologies." Mitigation Measure AIR-2 would be implemented to provide further assessments of the odors produced by the proposed project, including potential residual odors. Additional details of the system will be established during development of final designs.

Comment IVDA-4

The comment requests information on project wells sites designed to capture percolated water and states that the supplemental wells were not addressed in the DEIR.

Response to IVDA-4

The project does not propose to use extraction wells to capture recharged water. Rather, the project would recharge the Bunker Hill Basin to benefit regional water supplies and more effectively manage the groundwater basin. The Draft EIR describes the refurbishment of supplemental water wells on page 2-27. The DEIR acknowledges on page 2-34 that approval is needed by the City of Rialto before refurbishment can be implemented. The refurbishment of the groundwater wells would involve minor construction activities and would not result in significant impacts. The wells are existing wells and the refurbishment refers to replacing the motors and pumps. The DEIR evaluates potential impacts to groundwater from the use of the supplemental wells on page 3.9-24, concluding that much of the water discharged into the stream would be recharged into the groundwater basin through the river bed.

Please see Response to Comment Rialto-1.

Comment IVDA-5

The comment states that information on background noise measurements as well as information on construction and operational noise levels and mitigation should be included. The comment states that construction traffic trips should be considered in the traffic analyses.

Response to IVDA-5

The DEIR evaluates construction and operational noise in Chapter 3.11. Ambient noise measurements were not collected at the site. However, the analysis describes that existing ambient noise is affected by traffic and other activities common in residential and commercial neighborhoods. The analysis estimates future noise from construction and concludes that construction noise could result in temporary significant increases to ambient noise. Once construction is completed, the SNRC would comply with the City's noise ordinance. Mitigation Measures NOISE-2 and NOISE-3 would assist in minimizing noise from the SNRC operations. Construction traffic trips were considered in the traffic analysis in Chapter 3.15, specifically Impact 3.15-1 on pages 3.15-5 to 3.15-6. The DEIR concludes that the additional commuter and truck delivery trips would be minor compared with existing traffic and roadway capacities.

Comment IVDA-6

The comment suggests coordination to avoid any potential utility conflicts. The comment states that IVDA has developed design and engineering plans that will be provided for coordination.

Response to IVDA-6

The DEIR evaluates potential impacts to utilities in Section 3.13. The comment does not question the accuracy or adequacy of the environmental analysis within the DEIR. Valley District appreciates the provision of information from IVDA to supplement its utility infrastructure files.

Comment Letter – Metropolitan Water District of Southern California (MWD)

Comment MWD-1

The comment indicates that the proposed project could potentially impact Metropolitan Water District's facilities including the Inland Feeder near the City Creek extension. The comment further expresses that any design plans for any activity in the area of MWD's facilities or pipelines be submitted for their review and written approval.

Response to MWD-1

The introduction of perennial flow to the lower segment of the City Creek is not expected to modify channel geometry or promote channel cutting that could affect the Inland Feeder crossing which is far upstream. Valley District recognizes the vital importance of maintaining the Inland Feeder crossing and will coordinate any activities that could affect the pipeline.

Comment Letter - Orange County Water District (OCWD)

Comment OCWD-1

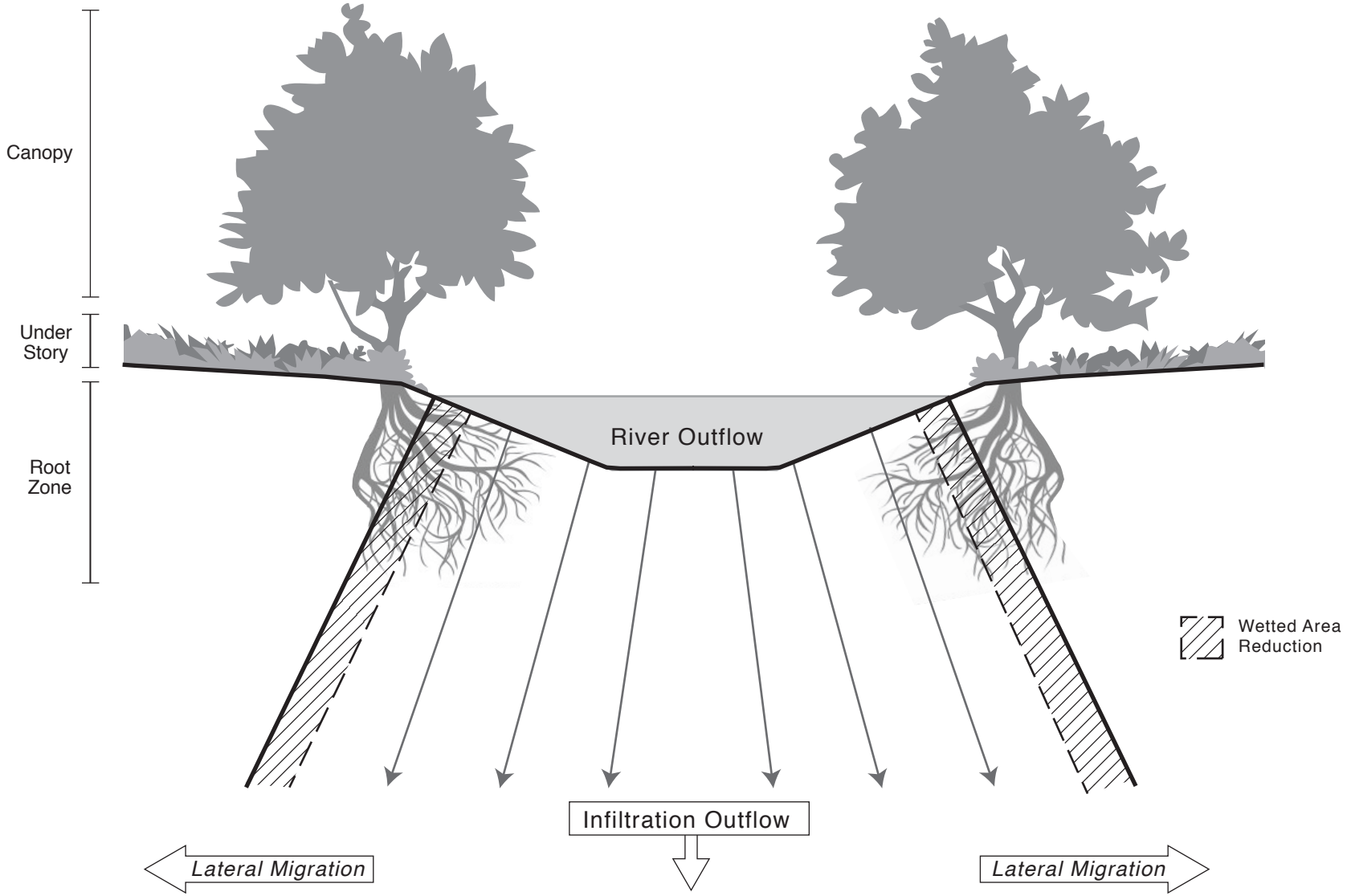
The comment expresses concern that the Project would reduce the amount of water flowing in the Santa Ana River to the Prado Basin and the associated riparian and wetlands habitat. Specifically, the concern is that the Project would remove water from the Santa Ana River at a rate that would leave insufficient water in the river to support riparian habitat and beneficial uses in Prado Basin and other portions of the water bodies upstream of Prado Basin.

Response to OCWD-1

SAR Riparian Vegetation Upstream of Prado Basin
As discussed in the DEIR Section 3.4, Biological Resources, the reduced discharge study (Appendix F in the DEIR) determined that the 6 MGD reduction of water to the Santa Ana River would not significantly change the existing conditions for riparian vegetation within the first few miles of the river corridor downstream of the RIX discharge to approximately Mission Boulevard. The reduction of 6 MGD would reduce total flow by 18-21 percent, lower water depth in the channel by a maximum of approximately 1.1 inches, reduce the wetted area by 6 percent, and result in an average change in a velocity class of 2 percent (not exceeding 6 percent) of the total channel area. The DEIR concludes on page 3.4-58 that this modification to the hydrology would not substantially reduce riparian cover within the segment of the SAR immediately downstream of the RIX discharge since the reduction in wetted area and water depth would be minimal.

The relationship between surface water flows and riparian vegetation is controlled by the volume of perennial flow, geomorphology, hydrogeology, and flood flows. As described in the literature (Hupp, 1994), streams in arid climates of the southwestern US tend to support linear corridors of vegetation that thrive at the edge of flowing water. This reflects that the surface water is the only water available to vegetation. Generally, the distance from the river's edge where riparian vegetation can survive depends on the steepness of the adjoining slopes, the velocity of the water and the permeability of the underlying soils, and the proximity of groundwater. In areas where surface water flows quickly through highly permeable substrate, vegetation can thrive only close to the stream edge. This is the case immediately downstream of the RIX discharge. In places where surface water slows down and spreads out and groundwater is close to the surface such as within Prado Basin, dense forests of riparian habitat emerge.

In the segment of the SAR immediately downstream of RIX to Riverside Avenue, riparian vegetation survives close to the river's edge in a linear corridor, leaving the floodplain and broad river corridor mostly unvegetated. This reflects a fast moving stream with rapid infiltration and minimal lateral seepage from the main flowing corridor. Riparian vegetation acreage and vitality is limited by the availability and accessibility of water. In a stream that exhibits high infiltration, surface flows and infiltration represent excess water that is unavailable to the vegetation corridor. Similarly, access to wetted soils is limited by lateral migration that is dependent on soil type. Well drained soils show little lateral migration, limiting accessibility of water to the root zones of the riparian corridor. Figure 11-5 illustrates this condition.



SOURCE: ESA

Sterling Natural Resource Center . 150005

Figure 11-5
Conceptual Stream Infiltration

Downstream of Riverside Avenue, the river channel becomes more densely vegetated responding to slower moving water and introduction of the influence of groundwater. This condition is visible in aerial photographs where vegetation at the river's edge for the first 6,000 feet below the RIX discharge is currently tightly confined to the river's edge. This is the segment of river that exhibits the highest velocities and the highest infiltration rates. Downstream of Riverside Avenue, aerial photographs show an increase in verdure in the whole river channel, suggesting that groundwater or reduced infiltration begins to broaden opportunities for riparian habitat in the channel to thrive.

As described in the Updated Reduced Discharge Study (Appendix H), the reduction of 7 percent of the wetted area in this river segment would narrow the 20-35 feet wide river by approximately 6-18 inches on each side of the flowing channel. The riparian corridor would respond by encroaching toward the water's edge, but would not otherwise change. The upper canopy and understory habitats would vary according to the age of the willows rather than the volume of flowing water. Further downstream by the Santa Ana River Regional Park just upstream of the Riverside Narrows, the discharge reduction would result in an even smaller water depth reduction of a maximum of approximately 0.4 inch with negligible changes to flow velocities, wetted areas, and stream width.

Ultimately the age and density of the vegetation depends on the frequency of periodic flood flows that clear vegetation and modify the river channel. Following large flood flows, riparian vegetation rejuvenates quickly, steadily increasing canopy cover over time. The small reduction in wetted area in the river channel would not significantly affect the vitality of the riparian corridor currently supported by the perennial surface water discharge. Once the flow reaches the Prado Basin and is spread over its much larger surface area, the change in surface water level would approach zero.

Although the DEIR concludes that reducing river flow by 20 percent would not appreciably reduce riparian habitat acreage or vitality, some reduction may occur as the river channel narrows. To mitigate for this potential effect, the DEIR includes Mitigation Measure BIO-3 that commits Valley District to the removal of exotic weeds such as *arundo donax* in the segment of river just downstream of the RIX discharge. The removal of *arundo donax* has been employed for years by the Santa Ana Watershed Project Authority, Santa Ana Watershed Association (SAWA), and the Orange County Water District to enhance native habitats along the SAR. The reduction of invasive vegetation allows for native species to emerge in its place, increasing the acreage of native riparian vegetation. This objective and desired outcome of arundo removal is described in detail in the SAWA Annual Report (SAWA, 2012). Mitigation Measure BIO-3 would ensure that the river segment downstream of the RIX discharge is managed for the benefit and protection of native habitats. This management would benefit the entire ecosystem compared with the existing condition where no habitat management or consistent monitoring is occurring. Implementation of Mitigation Measure BIO-3 would commit Valley District to managing riparian habitat in the river segment immediately below the RIX discharge in a manner similar to how OCWD manages riparian habitat in Prado Basin as mitigation for impacts from habitat inundation.

Prado Basin Riparian Vegetation

Riparian habitat further downstream within the wide river channel and Prado Basin is supported by groundwater in addition to surface water. This is evidenced by riparian density within the river channel that increases with distance from the RIX discharge location, until Prado Basin which is vegetated with a dense willow forest. OCWD's comment letter included an Attachment 1 prepared by Stetson Engineers, Inc., titled "Preliminary Assessment of Hydrologic Conditions Related to Riparian Habitat Health and Vigor in the Prado Basin Management Zone," dated October 26, 2015. This study evaluated the connection between surface water and groundwater, noting reaches of the river that were gaining or losing stream reaches. The study noted that between the two surface water measurement locations named SAR #1 and SAR #2 located on the portion of the Santa Ana River in the upstream portions of the Prado Basin, this reach was a gaining stream even during the drier October monitoring time period. This indicates that groundwater is sufficiently high so as to enter into the stream channel within this reach of the river to support surface water flow, even during the dry season.

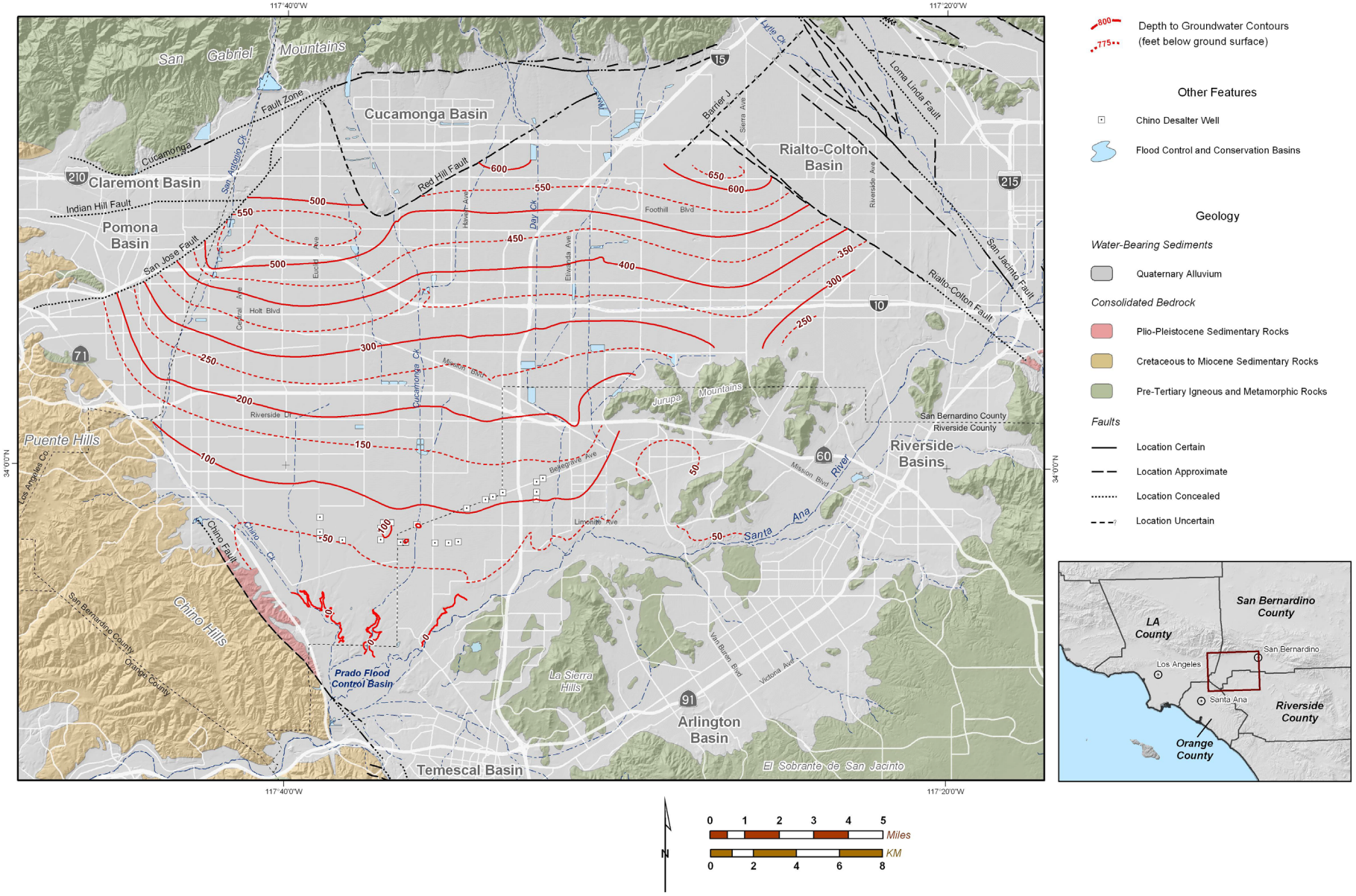
The Stetson report also discussed observations of degradation of riparian habitat over the recent years. Several areas were observed to show signs of distress, such as leaf senescence, branch sacrifice, crown dieback, and some dead trees, along with the conversion of some areas of riparian habitat to riparian scrub. Stetson concluded that surface water flow and depressed groundwater levels appeared to be insufficient to support riparian habitat in some areas. However, Stetson also noted that the information developed in their assessment is suggestive but not conclusive. Given the continuing drought, it appears that, as a general matter, groundwater and surface water flows are sufficient to support most of the riparian forest and many of the observations in the Stetson report seem linked to drought.

OCWD also provided an Attachment 2, which contained modeled hydrograph results for 2021 and 2071, titled "*Prado Basin Daily Discharge Estimates for 2021 and 20 71 Using the Wasteload Allocation Model*," prepared by Wildermuth Environmental, Inc. (WEI), and dated January 24, 2014. The WEI report's modeled hydrographs uniformly predict decreasing wastewater volumes, decreasing groundwater levels, and increasing stormwater runoff due to the predicted increase in impervious surfaces. It should be noted that the WEI report aggregates all sources of wastewater discharge and causes of groundwater level decreases and does not assign relative or individual causes. However, the input WEI used for the RIX WWTP, assumed to be the "San Bernardino/Colton" input lines on WEI's Tables 1 and 2, underestimate the actual discharge volumes. In their Table 1, WEI assumes the RIX discharge at 20.8 MGD or 23,313 AFY, whereas the actual volume for the past 4 years ranges from 33,271 AFY to 39,333 AFY, as documented in the previously discussed Santa Ana Watermaster report. In the Table 2, WEI assumes the 2071 discharge from RIX to range from 8 MGD to 16 MGD or 8,967 AFY to 17,933 AFY. The project would actually reduce the discharge volume to a range between 26,546 AFY and 32,608 AFY (based on the last 4 years), still well above the WEI assumptions. This means that the WEI modeling efforts underestimated the RIX discharge after the project is implemented and therefore overestimated the decrease in surface water flow to the Prado Basin, as well as groundwater level declines. OCWD uses the comparison of the 2021 and 2071 hydrographs to point out that that dry season low flows will increase in severity due to reduced WWTP

discharges. Based on the underestimated discharge volumes discussed above, the WEI reductions have been overestimated.

Numerous other discharges occur downstream of the RIX discharge point, including the Riverside Regional Water Quality Control Plant, which discharges approximately 30 MGD upstream of the Prado Basin. In addition, the groundwater contribution to the riparian corridor from the Prado Basin is substantial. Currently, water is conserved by the USACE behind Prado Dam for use by OCWD downstream. The project would not alter the allowed conservation elevation behind Prado Dam. Surface water could continue to be stored during dry weather according to the Prado Dam Operations Manual. Furthermore, the proposed project would not measurably affect groundwater levels within the Prado Basin, which are managed by the Chino Basin Watermaster. To further illustrate the proximity of groundwater to the Prado Basin riparian forest, Figure 11-6 prepared by the Chino Basin Watermaster shows that groundwater reaches the surface within the most densely wooded portion of the Prado Basin. The shallow groundwater, in combination with surface water, supports the willow forest.

Changes in groundwater level fluctuations are controlled by extraction activities within the Chino Basin and Prado Basin. The reduction of 6 MGD of surface flows would result in insignificant impacts to groundwater elevation within Prado Basin compared with the effects of the managed fluctuation of groundwater levels. As a result, impacts to sensitive plants and riparian habitat from the reduction of 6 MGD of surface flows upstream at RIX would be less than significant to habitat within Prado Basin.



SOURCE: Chino Basin Watermaster, 2006

Sterling Natural Resource Center . 150005

Figure 11-6

Chino Basin Depth to Groundwater Contours

Finally, the surface water inundation levels within the Prado Basin are managed by OCWD. In addition to considering the input of water to the basin by precipitation, runoff, wastewater treatment plant discharges, and upwelling groundwater, surface water and groundwater levels within the Prado Basin are also controlled by OCWD management choices regarding the volume and timing of releases through the Prado Dam into Orange County. Sustainable management of the Prado Basin is a combination of managing both the inflow and outflow.

Stipulated Judgment
As discussed in Impact 3.9-9 in Section 3.9, Hydrology and Water Quality, of the DEIR, the Stipulated Judgement of 1969 requires agencies in the upper watershed to deliver a total of 42,000 acre-feet/year of Adjusted Base Flow to OCWD at specified locations. Valley District's minimum obligation is 12,420 acre-feet/year of Adjusted Base Flows, delivered to OCWD at Riverside Narrows.

As detailed in the 2013-2014 Santa Ana River Watermaster Report (*Forty- Fourth Annual Report of the Santa Ana River Watermaster for Water Year October 1, 2013 - September 30, 2014*, dated April 30, 2015), the RIX WWTP contributed the following recent annual discharge volumes:

- 2010-2011: 39,333 AF
- 2011-2012: 37,966 AF
- 2012-2013: 35,390 AF
- 2013-2014: 33,271 AF

The Project would reduce the discharge to the river by 6 MGD or 6,725 AFY. Based on the 2013-2014 annual discharge of 33,271 AFY, the Project would reduce the discharge to 26,546 AFY, still more than twice the required minimum discharge of 12,420 AFY at the Riverside Narrows. Therefore, the project would not deprive lower watershed water rights holders of their entitlements since the required contribution would be achievable with the remaining water. In addition, as other recycled water projects are implemented, Valley District would still be required to maintain a minimum flow to meet the obligations of the Stipulated Judgment.

Comment OCWD-2

The OCWD letter provides a list of cumulative projects that it states should have been included in the cumulative projects list.

Response to OCWD-2

Cumulative Prado Basin Vegetation Reduction
The projects list provided in the comment letter is largely generic in that it names various cities and agencies but mostly not specific projects. The cumulative analysis in the DEIR can only consider projects relevant to the Project and known at the time of its circulation, and cannot speculate on unknown, remote, or speculative future projects (*Pala Band of Mission Indians v. County of San Diego*, 68 Cal. App. 4th 556, 576–577 (4th Dist. 1998); *Newberry Springs Water Assn. v. County of San Bernardino*, 150 Cal. App. 3d 740, 750 (4th Dist. 1984)). The DEIR's

consideration of probable future projects may properly be limited to those for which applications have been filed when the notice of preparation of the DEIR was released or when the completed project application is filed. (*Gray v. County of Madera*, 167 Cal. App. 4th 1099 (5th Dist. 2008)). The OCWD letter does identify the Clean Water Factory; however, this cumulative project, for which its own notice of preparation was filed in November 2014, was included in the DEIR Table 4-1, Cumulative Project List, along with a number of other specific recycled water projects.

The DEIR concludes on page 4-13 that cumulative reductions of surface flow into Prado Basin would result in the gradual reduction of either quantity or health of the riparian vegetation. As evaluated in the WEI and Stetson reports provided with the comment letter, the future cumulative impact may significantly reduce vegetation cover compared with existing conditions. The DEIR recognizes this future potentially significant cumulative impact. However, Mitigation Measure BIO-3 includes commitments to remove invasive species within the river segment most affected by the reduced discharge. The removal of invasive species such as *arundo donax* creates space for native vegetation to emerge, thereby increasing native riparian vegetation compared to existing conditions. Pursuant to CEQA Guidelines Section 15130(a)(3), the DEIR concludes that the proposed project's contribution to the future cumulative condition would be less than considerable based on the implementation of Mitigation Measure BIO-3.

Please see Response to Comment USFWS-13and CBD-8.

Comment Letter – San Bernardino County Department of Public Works (SBCDPW)

Comment SBCDPW-1

The comment states that page 2-15 should include more detail on how the water is to be discharged into City Creek. The comment states that there is no information regarding how the new vegetation will be managed so that the hydraulic capacity of the system is maintained.

Response to SBCDPW-1

The DEIR identifies the proposed discharge locations into City Creek in Figures 2-7a through 2-7b. The DEIR describes the size and components of the discharge structures on page 2-15. The discharge structures will be made of reinforced concrete and include a velocity dissipation component. Mitigation Measure HYDRO-3 requires velocity dissipation features to be approved by the SBCFCD and the USACE. Additionally, the DEIR recognizes that the new riparian vegetation would influence flood flows. The DEIR concludes on page 3.9-25 that the City Creek channel width provides for ample flood flow. Mitigation Measure HYDRO-4 requires that Valley District prepare and implement a vegetation management plan in coordination with SBCFCD and CDFW that accounts for periodic vegetation trimming as needed to ensure that the vital flood functions of the channel are not compromised.

Comment SBCDPW-2

The comment states that a 408 permit from the USACE is required and that more information is needed on the anticipated improvements within the basins on how the imported water will be stored for percolation. The comment states that cross dikes will need to be repaired and should be outlined in the document along with more information on maintenance in the system for both the recharge and the flood control capacity.

Response to SBCDPW-2

The DEIR recognizes in Table 2-9 that a permit would be required pursuant to Section 408 of the Rivers and Harbors Act for impacts to USACE flood control infrastructure. The DEIR assumes that since the function of East Twin Creek Spreading Grounds is currently to detain water for percolation, major modifications would not be necessary and that the proposed project's contribution of water would be compatible and complementary to the SBCFCD's stated mission of water conservation. The DEIR recognizes in Mitigation Measures HYDRO-3 and HYDRO-4 that coordination with the SBCFCD would be required to ensure compatibility.

Comment SBCDPW-3

The comment states that there is not a planned facility in a San Bernardino County Flood Control District basin for potential project drainage within Plunge Creek. The comment states that there should be more information on where the basin is and what the impacts are.

Response to SBCDPW-3

The DEIR describes a potential alternative recharge site near the confluence of Plunge Creek and the SAR. Table 6-2 of the DEIR compares the alternative with the other project alternatives and concludes that impacts to land use and biological resources would be greater than the preferred alternative.

Comment SBCDPW-4

The comment states that the proposal to "increase habitat availability" in Rialto Channel by furnishing cool freshwater into the system is not a natural condition for this channel. The comment states that this may increase vegetation and decrease channel capacity, which will decrease the District's ability to construct future improvements.

Response to SBCDPW-4

The DEIR identifies the introduction of supplemental water into Rialto Channel as an opportunity to improve water quality to benefit aquatic habitat during summer months when water temperatures are very high. The goal of this measure is to increase the temporal availability of suitable habitat by reducing water temperatures in the summer to a level below the tolerance threshold of the species. Since this is a measure primarily designed to be used in the summer months when storms are infrequent and since the water augmentation would be managed in coordination with SBCFCD, the measure would not affect flood capacity in the channel. In addition, the DEIR concludes that the introduction of cooler water would not substantially increase vegetation cover that could impede flood functions, but rather may reduce or prevent some invasive plant species' colonization such as red alga in Rialto Channel. The use of the channel for this purpose would require coordination with the SBCFCD.

Please see Responses to Comments USFWS-10 and USFWS-11.

Comment SBCDPW-5

The comment states that the proposed project should ensure that the flood protection of the District's facilities is not compromised.

Response to SBCDPW-5

The DEIR identifies that discharge to City Creek and the introduction of supplemental water into Rialto Channel are opportunities to benefit aquatic and riparian habitat in a manner that benefits regional stakeholders and helps achieve co-equal goals of flood control and water conservation. The DEIR recognizes in Mitigation Measures HYDRO-3 and HYDRO-4 that coordination with the SBCFCD would be required to ensure compatibility.

Comment SBCDPW-6

The comment states that any work within the District right-of-way will require a permit.

Response to SBCDPW-6

The DEIR recognizes in Table 2-9 that encroachment permits from SBCFCD would be required to implement project components within SBCFCD-owned facilities.

Comment SBCDPW-7

The comment states that SBVMWD will be responsible for any vector control and vegetative management issues caused by the discharge.

Response to SBCDPW-7

The proposed project would be operated by Valley District and management of the percolation sites including the need for vector control would be Valley District's responsibility as the project owner and operator.

Comment SBCDPW-8

The comment states that any proposed connections to, or work on, District land, will require a permit.

Response to SBCDPW-8

The DEIR recognizes in Table 2-9 that encroachment permits from SBCFCD would be required to implement project components within SBCFCD-owned facilities.

Comment SBCDPW-9

The comment states that District land is not to be offered/used as mitigation for any agency other than the District unless specifically authorized by the District and the County of San Bernardino Board of Supervisors.

Response to SBCDPW-9

The proposed discharge to City Creek would provide ancillary benefit to biological resources since riparian and aquatic habitat would emerge in the creek bed, but the project does not identify this benefit as mitigation for any project impact. Rather, Mitigation Measure BIO-3 lists six distinct actions that would mitigate for impacts of reduced flow in the SAR. They include managing the river segment below the RIX discharge in such a way as to improve habitat quantity and quality. The DEIR recognizes in Table 2-9 that encroachment permits from SBCFCD would be required to implement project components within SBCFCD-owned facilities.

Valley District, as one of the regional agencies responsible for managing water supplies in San Bernardino County, looks forward to collaborating with the County on projects that benefit the entire region. In many cases, such regional collaboration along with CDFW and USFWS will enable the County and Valley District to accomplish needed projects more quickly and more

economically, thereby benefitting the public that we all serve. In many cases, public agencies will need to use each other's property to accomplish mutually beneficial purposes; Valley District anticipates that the County will work cooperatively with Valley District and others to promote the expedited permitting of projects to achieve the shared public benefit and mission.

Comment SBCDPW-10

The comment states that the introduction of trees and the establishment of riparian vegetation may impede the ability of the system to convey the gravels downstream and will have an impact on the overall geomorphology of the system.

Response to SBCDPW-10

The DEIR recognizes that the new riparian vegetation would influence flood flows. The DEIR concludes on page 3.9-25 that the City Creek channel width provides for ample flood flow. Mitigation Measure HYDRO-4 requires that Valley District prepare and implement a vegetation management plan in coordination with SBCFCD and CDFW that accounts for periodic vegetation trimming as needed to ensure that the vital flood functions of the channel are not compromised. The new riparian vegetation in City Creek would assist in stabilizing the center of the channel, but the addition of riparian vegetation would not substantially impede sediment transport in the system which is largely influenced by major storm flows.

Comment SBCDPW-11

The comment states that page ES-10 BIO-3 Disturbance to SAS discusses measures to reduce potential project related impacts. The comment states that the proposed mitigation measures in no way allows for other agencies to utilize District land for mitigation.

Response to SBCDPW-11

The proposed discharge to City Creek would provide ancillary benefit to biological resources since riparian and aquatic habitat would emerge in the creek bed, but the project does not identify this benefit as mitigation for any project impact. Rather, Mitigation Measure BIO-3 lists six distinct actions that would mitigate for impacts of reduced flow in the SAR. They include managing the river segment below the RIX discharge in such a way as to improve habitat quantity and quality. The DEIR recognizes in Table 2-9 that encroachment permits from SBCFCD would be required to implement the project components on land owned by the County or within SBCFCD facilities.

Valley District, as one of the regional agencies responsible for managing water supplies in San Bernardino County, looks forward to collaborating with the County on projects that benefit the entire region. In many cases, such regional collaboration along with CDFW and USFWS will enable the County and Valley District to accomplish needed projects more quickly and more economically, thereby benefitting the public that we all serve. In many cases, public agencies will need to use each other's property to accomplish mutually beneficial purposes; Valley District

anticipates that the County will work cooperatively with Valley District and others to promote the expedited permitting of projects to achieve the shared public benefit and mission.

Comment SBCDPW-12

The comment states that the proposed discharge locations identified by Figure 2-7 are concerning due to the fact that these locations are vegetated with RAFSS and known to be occupied by San Bernardino kangaroo rat (SBKR), Santa Ana River woolly star (SAWS) and many other sensitive species.

Response to SBCDPW-12

The DEIR recognizes on page 3.4-44 through 3.4-47 that the discharge locations would be located in areas of natural habitats such as RAFSS that support special status plants and wildlife such as SBKR and SAWS. Mitigation Measures BIO-1 and BIO-2 outline impact minimization and compensation strategies to ensure that impacts to these species are not significant. To provide further assurances that any impacts will be properly mitigated, Valley District is committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to RAFSS and associated species.

Please see Response to Comments USFWS-12, CBD-3, CBD-6, CBD-11 and CDFW-1.

Comment SBCDPW-13

The comment states that the document is not clear how the project proponent proposes to significantly impact an existing habitat occupied by multiple listed species to the benefit of another.

Response to SBCDPW-13

The DEIR recognizes that introduction of perennial flow within City Creek will modify the condition of the creek bed. Riparian habitat will emerge, replacing existing RAFSS scrub within the center of the creek, leaving the wide creek flood plain unaffected. The DEIR concludes that the addition of perennial flows within the creek would contribute to a native ecosystem within an area of overlapping habitat values. The proposed project would not create a new creek where one did not previously exist. The addition of water in a creek bed that is surrounded by RAFSS will enhance the integration and preservation of native species in this watershed subject to conditions of approval by the wildlife management agencies, including the USFWS. The DEIR concludes that this conversion does not require compensation of RAFSS habitat elsewhere. However, as noted in response to SBCDPW-12, Valley District has nevertheless committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to RAFSS and associated species.

Please see Responses to Comments CDFW-1, CBD-7, CBD-8, CBD-9, CBD-11 and OCWD-1.

Comment SBCDPW-14

The comment states that the District will require long term maintenance permits to maintain the riparian vegetation ensuring Flood Control requirements are met.

Response to SBCDPW-14

Mitigation Measure HYDRO-4 requires that Valley District prepare a vegetation management plan within City Creek, in coordination with the Flood Control District. Implementation of this plan would be included in the Streambed Alteration Agreement and Endangered Species Act conditions of approval.

Comment SBCDPW-15

The comment states that there is no information regarding the impacts of species within the San Bernardino International Airport Authority property or proposed mitigation measures.

Response to SBCDPW-15

Mitigation Measures BIO-1 and BIO-2 cover impacts to any construction zone that may support special status plants or animals including on the SBIAA property.

Comment SBCDPW-16

The comment states that the proposed drainages and the habitat enhancement offered as mitigation must be authorized by the District due to the fact that District land is not to be utilized as mitigation for any agency other than the District.

Response to SBCDPW-16

The proposed discharge to City Creek would provide ancillary benefit to biological resources since riparian and aquatic habitat would emerge in the creek bed, but the project does not identify this benefit as mitigation for any project impact.

Valley District, as one of the regional agencies responsible for managing water supplies in San Bernardino County, looks forward to collaborating with the County on projects that benefit the entire region. In many cases, such regional collaboration along with CDFW and USFWS will enable the County and Valley District to accomplish needed projects more quickly and more economically, thereby benefitting the public that we all serve. In many cases, public agencies will need to use each other's property to accomplish mutually beneficial purposes; Valley District anticipates that the County will work cooperatively with Valley District and others to promote the expedited permitting of projects to achieve the shared public benefit and mission.

Comment SBCDPW-17

The comment suggests that the DEIR should address species other than SAS and proposes to obtain approval from United States Fish and Wildlife Services (USFWS) and California Department of Fish and Wildlife (CDFW).

Response to SBCDPW-17

Mitigation Measure BIO-3 is focused on mitigating impacts to SAS. The DEIR concludes based on the Reduced Discharge Study that the reduced flow would not have significant adverse impacts to any other special status species. However, the project proposes to offset impacts to habitat and species as appropriate based on the project-level direct, indirect, and cumulative impacts.

Please see Responses to Comments CDFW-1, CDFW-4, CDFW-5, CBD-3, CBD-5, CBD-6, CBD-7, USFWS-12, USFWS-13, and USFWS-14.

Comment SBCDPW-18

The comment states that the HMMP mitigation measures proposed on Page 3.4-57 to address impacts to SAS would all occur on District property. The comment states that this in no way allows for other agencies to utilize District land for mitigation.

Response to SBCDPW-18

Valley District, as one of the regional agencies responsible for managing water supplies in San Bernardino County, looks forward to collaborating with the County on projects that benefit the entire region. In many cases, such regional collaboration along with CDFW and USFWS will enable the County and Valley District to accomplish needed projects more quickly and more economically, thereby benefitting the public that we all serve. In many cases, public agencies will need to use each other's property to accomplish mutually beneficial purposes; Valley District anticipates that the County will work cooperatively with Valley District and others to promote the expedited permitting of projects to achieve the shared public benefit and mission.

Comment SBCDPW-19

The comment states the mitigation measure discussed in the Implementation of Mitigation Measure BIO-1 needs to include permanent impacts to plants such as slender-horned spineflower and Santa Ana River Woolly-Star as the habitat would be left unsuitable. The comment states that this mitigation measure needs to address temporary and permanent impacts to SBKR.

Response to SBCDPW-19

The DEIR recognizes on page 3.4-44 through 3.4-47 that the discharge locations would be located in areas of natural habitats such as RAFSS that support special status plants and wildlife such as SBKR, SAWS and slender-horned spineflower. Mitigation Measures

BIO-1 and BIO-2 outline impact minimization and compensation strategies to ensure that impacts to these species are not significant.
Please see Responses to Comments CDFW-1, CBD-5, CBD-9, CBD-11 and OCWD-1.

Comment SBCDPW-20

The comment states that the District was led to believe that the HCP was for multiple species, not just the SAS. The comment suggests that this should be clearer.

Response to SBCDPW-20

Mitigation Measure BIO-3 commits Valley District to participating in the Upper SAR HCP as a means of mitigating the project's contribution to effects on SAS. The SNRC DEIR focuses on project-related direct, indirect, and cumulative impacts. The full content and purposes of the HCP are not considered in the DEIR. However, as noted on the HCP website www.sarhcp.com a total of 22 special status species are proposed for coverage by the HCP. The HCP fully plans to implement a comprehensive conservation strategy that will secure, enhance, and manage habitat for all covered species in perpetuity.

Comment SBCDPW-21

The comment states that there is concern for relocating the animals discussed in Mitigation Measure BIO-2. The comment states that the relocation may not be feasible and the disturbance to adjacent habitat would be a further impact.

Response to SBCDPW-21

Mitigation Measure BIO-2 commits Valley District to a mitigation strategy that includes performance standards to mitigate for the project's impacts to special-status species. The mitigation would be conducted in consultation with the wildlife agencies. Implementation of the mitigation would follow best practices outlined in conservation measures imposed by agency approval.

Comment SBCDPW-22

The comment states that Mitigation Measure BIO-3 includes measures to reduce invasive vegetation in the river corridor and that this mitigation may not occur within District lands.

Response to SBCDPW-22

Mitigation Measure BIO-3 lists six distinct actions that would mitigate for impacts of reduced flow in the SAR. They include managing the river segment below the RIX discharge in such a way as to improve habitat quantity and quality. The DEIR recognizes in Table 2-9 that encroachment permits from SBCFCD would be required to implement project components within SBCFCD-owned facilities.

Valley District, as one of the regional agencies responsible for managing water supplies in San Bernardino County, looks forward to collaborating with the County on projects that benefit the entire region. In many cases, such regional collaboration along with CDFW and USFWS will enable the County and Valley District to accomplish needed projects more quickly and more economically, thereby benefitting the public that we all serve. In many cases, public agencies will need to use each other's property to accomplish mutually beneficial purposes; Valley District anticipates that the County will work cooperatively with Valley District and others to promote the expedited permitting of projects to achieve the shared public benefit and mission.

Comment SBCDPW-23

The comment states that any potential significant impacts resulting from implementation of a mitigation measure must be fully discussed, disclosed and minimized.

Response to SBCDPW-23

Valley District does not believe there will be significant adverse impacts resulting from any proposed mitigation measure. Development of the HMMP will occur in coordination with the Wildlife Agencies to ensure that all mitigation related impacts are reduced to the maximum extent possible and the net value of each measure provides long-term benefit to the species and their habitats.

Comment SBCDPW-24

The comment states the proposed project would need to be reviewed and addressed by both the District's and Transportations Operations Divisions to ensure public facilities are not compromised, impeded, or disrupted.

Response to SBCDPW-24

Valley District looks forward to discussing potential mutual benefits of the project with SBCFCD at its earliest convenience.

Comment Letter – San Bernardino County Regional Parks (SBCRP)

San Bernardino County Regional Parks has no comment regarding the Sterling Natural Resource Center Draft EIR.

Response to SBCRP

The comment is noted for the record and no response to comment is necessary.

Comment Letter – San Bernardino Municipal Water District (SBMWD)

Comment SBMWD-1

The comment states that SBMWD supports the goal of increasing recycled water use but has questions about the project and its potential impacts. SBMWD states that the project as proposed requires SBMWD approvals and cooperation to implement the project. The comment expresses concern that the project could adversely affect the SBMWD proposed Clean Water Factory and downstream water delivery obligations while duplicating services. SBMWD requests more information and clarification as set forth in the comment letter.

Response to SBMWD-1

Valley District recognizes the importance of coordination with SBMWD and proposes the SNRC to be complementary to the Clean Water Factory, achieving several aligned goals. Valley District and East Valley Water District have met with SBMWD on numerous occasions to evaluate opportunities to combine resources and cooperate on a regional basis. The SNRC is intended to provide substantial benefit to the City of San Bernardino and SBMWD through construction of a treatment facility in the upper watershed that would recharge the groundwater basin in a manner that serves the entire region, including the City. Rather than adversely impacting the SBMWD's recycled water goals, Valley District, as the regional water wholesale agency, proposes the project to further advance many of the goals of the Clean Water Factory and to assist the City with an expedited recycled water project for the benefit of the entire region.

Comment SBMWD-2

The comment states that the cost for wastewater treatment will be significantly higher for EVWD customers due to technologies proposed and economies of scale. The comment states that rates will likely increase but City of San Bernardino residents will receive no benefit.

Response to SBMWD-2

An Update of the Recycled Water Feasibility Study was prepared in 2015 that evaluated the cost of treatment with and without the project. The Feasibility Study concluded that implementation of the project would result in lower rate increases in the future compared with the No Project condition (Feasibility Study, Table 12-7). The estimated capital and O & M costs were developed based on a survey of similar facilities that utilize Membrane Bioreactor (MBR) technology to achieve tertiary/Title 22 treated water quality standards. A data base of approximately 25 recent treatment plants utilizing MBR technology was compiled, with the capital cost for each facility adjusted to the local/current Engineering News Record Construction Cost Index. The EVWD ratepayers, including the 8,350 connections located in the City of San Bernardino, can expect project benefits from reduced future costs as a result of the project. In addition, the reuse of recycled water would present a substantial regional water supply benefit to all water customers of the region through groundwater recharge in the Bunker Hill Groundwater Basin.

Please see Response to Comment LAFCO-4.

Comment SBMWD-3

The comment states that there is insufficient information on the proposed SNRC design flow and diversion of treatment.

Response to SBMWD-3

As noted on page 2-6 of the DEIR, the project would divert all of the existing EVWD flow, identified as 6 MGD, and future flow from the EVWD service area to the new SNRC Treatment Facility.

Comment SBMWD-4

The comment asks for more information about the design of the proposed lift station, including. such information as the peaking factor and the type of daily flow the 5.4 MGD represents.

Response to SBMWD-4

The proposed lift station would be designed to accommodate existing and future (year 2035) flows as projected in EVWD's 2013 Wastewater Collection System Master Plan. The design flow parameters are shown in the following table.

	Existing Flow (MGD)	2035 Projected Flow (MGD)
Average Dry Weather Flow	1.92	2.29
Peak Wet Weather Flow	4.85	5.36
Design Capacity		5.4

Comment SBMWD-5

The comment states that during shutdowns of the RIX facility, discharge to the Santa Ana River from the RIX does not occur.

Response to SBMWD-5

Under current conditions, the RIX facility periodically shuts down for maintenance purposes, which eliminates discharges. The proposed project would not modify this existing operation and maintenance function of RIX or its associated impacts, which will remain the responsibility of the facility operator. However, the proposed project provides the ability to temporarily discharge supplemental water into the SAR from local groundwater wells via the Rialto Channel if necessary for environmental needs that may include supplementing river flows during planned RIX shut downs. Valley District and EVWD propose to enter into a cooperative agreement with the City of San Bernardino and the SBMWD to develop and construct appropriate bypass

arrangements to allow for the discharge of flows from the proposed project (including discharges from wells) during periods when RIX discharges are eliminated for purpose of maintenance. Such an agreement would have a beneficial effect on listed aquatic species in the SAR and would not disturb habitat for listed terrestrial species in areas adjacent to the RIX facility.

Comment SBMWD-6

The comment states that biosolids are not disposed or generated at the RIX facility but at the SBWRP.

Response to SBMWD-6

This corrective comment is noted for inclusion in the record. In response to this comment, the following changes have been made on page 2-11 of the DEIR.

> ***Biosolids Dewatering and Offloading***
>
> Screw presses would be employed for biosolids dewatering. Biosolids, would be hauled offsite either to soil augmentation reuse facilities or to a landfill such as the San Timoteo Landfill for disposal. An offloading facility would be constructed that would convey treated biosolids onto haul trucks. The facility would generate less than five biosolids haul trucks per day on average. The San Timoteo landfill is located approximately 7 miles from the SNRC. Biosolids reuse opportunities such as land application may be utilized in the San Joaquin Valley or Arizona. Truck trips up to 250 miles to Kings County or 300 miles to Arizona may be necessary. Biosolids are currently processed at the SBWRP and reused for composting. ~~This is consistent with current biosolids reuse and disposal activities from the RIX facility.~~

Comment SBMWD-7

The comment expresses concern that not enough information is presented in the DEIR about the supplemental water wells or the water that would be distributed from them to the SAR. In addition, the comment states the DEIR does not identify that these wells would require a NPDES permit.

Response to SBMWD-7

The DEIR notes on page 3.9-24 that groundwater levels may be lowered during use of the supplemental water wells. The DEIR concludes that the reduction in groundwater levels would be offset by the infiltration of the discharge in the SAR, which exhibits high infiltration rates below the RIX discharge.

Mitigation Measure BIO-3 provides the mechanism to introduce groundwater into the Rialto Channel to benefit habitat by reducing water temperatures in the Rialto Channel or providing supplemental flows during RIX shutdowns. The goal of this measure is to increase the temporal availability of suitable habitat by reducing water temperatures in the summer to a level below the

tolerance threshold of the species. Based on analysis conducted by the USGS, it appears possible to reduce the water temperature from the current 89 degrees Fahrenheit to below 85 degrees Fahrenheit (the maximum tolerance of SAS) with approximately 2 cfs of groundwater, for a total of about 365 acre feet per year if introduced from July to September. The use of this measure would be on an appropriate scale related to the level of project impact and refined in coordination with the wildlife agencies through the permitting processes and development of the HMMP. Success criteria and a monitoring plan for this mitigation measure will be included in the HMMP. The DEIR concludes that, as one component of a broad mitigation strategy, providing supplemental water during the summer months in coordination with the wildlife agencies provides benefits compared to existing conditions and is commensurate with the scale of project-level effects. The habitat condition triggers and success criteria will be developed in coordination with the Wildlife Agencies and USGS for inclusion in the HMMP.

In response to the comment, Table 2-9 has been modified to include that the use of the supplemental water wells would require a low-threat discharge permit from the RWQCB. Valley District would be subject to groundwater quality monitoring imposed by the permit.

Comment SBMWD-8

The comment states that the proposed use of the SAR pipeline interferes with planned use by SBMWD to implement the proposed Clean Water Factory. The comment states that the SAR pipeline is not available for SNRC. If it were available, it would affect SBMWD's NPDES permit 20:1 dilution ratio, require additional pipeline in the WRP, and potentially cause liability for discharging commingled effluent.

Response to SBMWD-8

The DEIR notes on page 2-34 that an agreement with the City of San Bernardino would be required to re-purpose the SAR Pipeline for the proposed project. This component of the proposed project, as noted above, presents opportunities for both the City and Valley District to effectively manage SAR discharges, and provides for the assurance that flows to the SAR from RIX could be maintained if necessary until the proposed project is fully permitted. However, if the SAR Pipeline were not made available to Valley District, the proposed project still could be implemented without this discharge option, recognizing that no diversion of existing wastewater flow to RIX would be allowable until either the HCP or HMMP were approved by the USFWS under Section 7 or 10 of the Endangered Species Act.

The DEIR concludes that since the wastewater is already a component of the RIX discharge, a source control assessment would not be required, nor would the introduction of tertiary-treated effluent to RIX via the SAR Pipeline require any modifications to the existing RIX NPDES discharge permit. The Santa Ana RWQCB has informally suggested that permit modifications would not likely be necessary. The additional treatment would benefit the RIX system and may improve the quality of the discharge to the SAR. Furthermore, the comingled effluent would not increase any liability for the City since a cooperative agreement that addresses any such liability would be required.

The NPDES permit for the RIX facility provides for two sets of discharge requirements for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Coliform, depending on whether the discharge is below or above a 20:1 dilution ratio to flow in the Santa Ana River. The two sets of discharge requirements for these parameters are shown in the table below.

TABLE 2-9
DISCRETIONARY PERMITS POTENTIALLY REQUIRED

Agency	Permits and Authorizations Potentially Required
Regional Water Quality Control Board (RWQCB)	• National Pollutant Discharge Elimination System (NPDES) for discharge to City Creek
	• Waste Discharge Requirements (WDR) for groundwater replenishment reuse projects under California Title 22
	• SWPPP for inclusion in General Stormwater NPDES Permit for Construction Activities
	• General Stormwater NPDES for Industrial Facilities
	• Low Threat Discharge NPDES for supplemental water discharges
	• 401 Water Quality Certification;
State Water Resources Control Board	• California Water Code Section 1211 Change in Point of Discharge
SBCFCD	• Encroachment permit for discharge facilities
	• Easement, and/or license agreement for use of recharge facilities
South Coast Air Quality Management District (SCAQMD)	• Permit to operate treatment facility
	• Permits to operate cogeneration facility and emergency generators
East Valley Water District	• Approval to modify collection system
City of Highland	• Encroachment permit for construction in roadways
	• Department review permit for Administration Center
City of Redlands	• Encroachment permit for construction in roadways
	• Approval for use of Redlands Basins
City of San Bernardino	• Encroachment permit for construction in roadways
	• Approval to re-purpose SAR Pipeline
City of Rialto	• Approval for use of groundwater wells.
Caltrans	• Encroachment permit for construction in roadways and undercrossings
U.S. Army Corps of Engineers	• Clean Water Act Section 404 Permit
	• 408 Permit (if necessary)
California Department of Fish and Wildlife	• Lake or Streambed Alteration Agreement
	• Endangered Species Act compliance 2081
US Fish and Wildlife Service	• Endangered Species Act compliance Section 7/Section 10
Federal Aviation Administration	• Notice of Proposed Construction or Alteration

		Without 20:1 Dilution		With 20:1 Dilution	
Parameter	**Units**	**Avg. Monthly**	**Avg. Weekly**	**Avg. Monthly**	**Avg. Weekly**
BOD	mg/l	20	30	30	45
TSS	mg/l	20	30	30	45
		Avg. Weekly	Max/30 Days	Avg. Weekly	Max/7 Days
Coliform	MPN	2.2 (Cannot exceed 2.2 on any day during a calendar week.)	23 (Cannot exceed 23 in more than one sample in any 30-day period.)	23 (Cannot exceed 23 on any day during a calendar week.)	23 (Cannot exceed 23 in more than one sample in any 7-day period.)

These discharge requirements would not be affected by the alternative where SNRC tertiary treated wastewater is discharged to the SAR via the RIX facility, since the discharge from RIX would be nearly identical with or without the SNRC facility. Further, the ability of the RIX facility to meet its discharge requirements may be enhanced and treatment costs could be reduced due to the higher quality influent into RIX that would result from an initial 6 MGD of tertiary treated effluent from the SNRC replacing a similar flow of secondary treated effluent from the SBMWD Water Reclamation Plant (SBWRP).

For those alternatives where the SNRC tertiary treated effluent is discharged to Redlands Basin, City Creek, East Twin Creek Spreading Grounds, or any other location and not via the RIX facility, the potential impact on RIX operations relative to the 20:1 dilution ratio would be to increase the number of days that the discharge would be under the less restrictive discharge requirements. In other words, since the discharge from RIX would be reduced, the RIX discharge could meet the 20:1 dilution requirement with less flow in the river, hence it could meet the 20:1 dilution requirement more often, reducing the number of days the more restrictive discharge requirements would need to be met.

Finally, the DEIR recognizes that a bypass pipeline would be required to move the tertiary-treated effluent from SNRC around the SBWRP facility to access the RIX discharge pipeline. The bypass pipeline would be constructed by Valley District and would require approval by the City.

Comment SBMWD-9

The comment states that the conclusion of “Significant and Unavoidable” impact is not supported by the evidence or impact analysis, is overly conservative, and may result in a jeopardy opinion.

Response to SBMWD-9

Valley District as Lead Agency has evaluated the potential impact to the Santa Ana sucker and has independently concluded based on substantial evidence that impacts should be considered

significant and unavoidable. The conclusion is not based on an established habitat suitability threshold, which is not available, but rather on a qualitative threshold based on the fact that any new adverse effect on an already significantly impacted species should be considered as substantial. As a result, the DEIR concludes that the project would result in a significant and unavoidable impact.

The DEIR identifies a reasonable threshold of significance on page 3.4-42 that states that a significant impact would occur if the project would "have a substantial adverse effect, either directly or indirectly 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." The DEIR summarizes the results of a hydrology study prepared for the project that estimates the impacts of a 6 MGD flow reduction on SAR depth and velocity. The DEIR concludes that although impacts to depth and velocity would be minor (page 3.4-51), any new contribution to the stress on a listed species should be considered "substantial." The primary reason for this conclusion is the fact that the project would reduce base flows in the SAR by between 18 and 21 percent. The reduction of flows by about one-fifth readily satisfies the criterion that the project may have a "substantial adverse effect" on the Santa Ana sucker. An additional set of reasons for this conclusion stems from the fact that the Santa Ana sucker is already suffering from a variety of stressors, including but not limited to decreased groundwater levels that have transformed the portion of the SAR occupied by the Santa Ana sucker from a "gaining reach" to a "losing reach"; the invasion of red alga (an invasive species) that reduces the available food supply; and predatory fish species. Faced with this significant and substantial set of stressors, it was reasonable for the DEIR to conclude that the incremental effect of the project would result in a significant impact and contribute considerably to a cumulative impact. New "best available information" on habitat suitability thresholds would not change this conclusion. This impact conclusion is within the discretion of the Lead Agency based on the substantial evidence provided in the DEIR.

Finally, the determination of whether an action would result in a jeopardy opinion is the sole responsibility of the USFWS. The DEIR presents the results of technical studies and evaluates mitigation measures to reduce project impacts. Valley District has concluded that a jeopardy opinion can best be avoided through development of mitigation measures to minimize effects and to plan for species recovery as a cooperative stakeholder.

Comment SBMWD-10

The comment states that high flow pulse events may not be feasible.

Response to SBMWD-10

The DEIR recognizes that implementation of mitigation measures that require cooperation by the City and the SBMWD is contingent on their approval. The list of commitments in Mitigation Measure BIO-3 provides a performance standard for these mitigation measures. USFWS and CDFW will consider issuing permits for the project based on the combination of mitigation commitments that are feasible and have a high likelihood of being implemented. Valley District,

as noted above, seeks to cooperate with the City and SBMWD to implement the mitigation measures described in the DEIR. If cooperation cannot be achieved, Valley District intends to develop other sources of water (e.g., groundwater wells or the use of turnouts owned or operated by other water agencies) to provide the necessary pulse flows. Given the number of large pipelines in the vicinity of the RIX facility, such alternative arrangements are feasible.

Comment SBMWD-11

The comment states that the RIX discharge does not support spawning habitat.

Response to SBMWD-11

The DEIR recognizes that SAS spawning habitat exists within the Rialto Channel above the RIX discharge. However, current data shows that SAS spawning also occurs downstream of the RIX discharge point. Most recently, larval SAS were observed in areas downstream of the RIX discharge in June 2015.

Comment SBMWD-12

The comment states that the project would impact groundwater quality and that mitigation measures are inadequate to mitigate the potential effects.

Response to SBMWD-12

The DEIR concludes on page 3.9-22 that the anticipated TDS concentrations of the effluent would not exceed the assimilative capacity of the basin. The requirement to meet groundwater quality objectives including TDS would be a requirement of the discharge permit from the RWQCB that would include an anti-degradation analysis. The proposed project would be subject to the discharge permit requirements established by the RWQCB. The comment speculates that the RWQCB would be unwilling either to encourage the use of recycled water within the San Bernardino Basin Area (notwithstanding the State's General Permit for recycled water or the Recycled Water Policy) or to adopt a "maximum benefit" discharge permit as was done in the Chino Basin. However, discussions with the SWRCB and the RWQCB indicate that these regulatory agencies support the use of recycled water and so would be willing to issue the necessary permits.

Comment SBMWD-13

The comment states that the Bunker Hill groundwater management zones have little or no capacity for assimilation of TDS.

Response to SBMWD-13

A primary objective of the proposed project is to replenish groundwater with recycled water to meet local demands. Table 11-1 shows the assimilative capacity of TDS and Nitrate (as N) in the relevant groundwater subbasins. Bunker Hill A subbasin (which would receive discharges via

East Twin Creek Spreading Grounds) has ambient TDS and N levels that exceed Basin Plan standards established by the Santa Ana RWQCB; as such, no assimilative capacity currently exists for a 10 MGD discharge to that subbasin. Bunker Hill B subbasin (which would receive discharges via City Creek and Redlands Basins) has ambient TDS and N levels well below Basin Plan standards; as such, assimilative capacity does currently exist for a 10 MGD discharge to that subbasin. Antidegradation modeling currently underway suggests that proposed project discharges can be assimilated into the two subbasins within Basin Plan limits if a majority of Project discharges are recharged into Bunker Hill B, along with blending with Valley District's planned surface water recharge project (6,000 AFY) at East Twin Creek Spreading Grounds. Receipt of an NPDES permit from Santa Ana RWQCB, in collaboration with DDW, would ensure that proposed project discharges comply with Basin Plan standards and are accommodated within the subbasins' assimilative capacity.

TABLE 11-1
BASIN PLAN OBJECTIVES AND AMBIENT WATER QUALITY

	Bunker Hill A		Bunker Hill B	
Constituent	**TDS**	**N**	**TDS**	**N**
Basin Plan Objective (mg/L)	310	2.7	330	7.3
Ambient Water Quality (mg/L)	340	4.0	280	5.6
Recycled Water Quality (mg/L)	463	5.5	463	5.5

Mitigation Measure HYDRO-2 requires that Valley District implement a groundwater monitoring program in conjunction with the replenishment. The monitoring program would assist in managing the groundwater basin effectively to maintain beneficial uses and to protect public health. Receipt of and compliance with an NPDES permit would ensure that no local drinking water wells are adversely affected by proposed project discharges. However, with the establishment of a groundwater monitoring network, water quality can be measured and recorded to evaluate potential impacts and implement corrective measures, if required. The identified corrective measures include modification of treatment of the replenishment water, or modification of operations of the well that may require providing replacement water until the water quality issue is corrected. The Mitigation Measure provides no specific modifications since those would depend on the water quality impairment identified during monitoring.

Groundwater modeling reports conducted by Valley District for each of the proposed recharge locations are included in Appendix I.

Comment SBMWD-14

The comment states the belief that the RWQCB cannot make the required antidegredation analysis findings, given the circumstances of the project. The comment also states that Valley District has a separate CEQA obligation to evaluate and disclose potential impacts associated with an exceedance of water quality objectives and assimilative capacity.

Response to SBMWD-14

As part of the NPDES permitting process, Santa Ana RWQCB and DDW would ensure that proposed project discharges comply with Basin Plan standards and groundwater replenishment regulations.[1] Antidegradation modeling is currently underway as part of the permitting process. Preliminary modeling results demonstrate that proposed project discharges can be assimilated into the Bunker Hill subbasins. This EIR evaluates potential groundwater quality impacts associated with project discharges in *Section 3.9, Hydrology and Water Quality*; no further CEQA evaluation is anticipated.

Figure 2-7g identifies four existing wells in Rialto that could be used to introduce groundwater into the Rialto Channel. The refurbishment of the wells would require minor work to be conducted by Valley District. Table 2-9 of the DEIR recognizes that the use of the wells would require approval of the well owners. Regarding the assumptions on temperature, the DEIR makes a reasonable assumption that the groundwater temperature would be substantially less than the recorded summer-time temperatures in the Rialto Channel which exceed 86 degrees. The DEIR does not target an ideal water temperature, but rather concludes that use of the wells to lower river water temperatures would improve conditions compared to existing conditions. Furthermore, the DEIR acknowledges on page 3.9-24 that local groundwater levels would be affected by the use of the supplemental water wells. The DEIR assumes that although a cone of depression around the wells would lower local groundwater levels, this effect would be similar to the original designed use of the wells. Furthermore, the water would be discharged into the SAR at a point where in-channel percolation is very high, re-introducing discharged water into the groundwater system. The DEIR concludes that use of the existing wells would not significantly impact groundwater levels or deplete the aquifer. Groundwater modeling reports conducted by Valley District for each of the proposed recharge locations are included in Appendix I.

Please see Response to Comment Rialto-1 and RPU-5.

Comment SBMWD-15

The comment states that Mitigation Measure HYDRO-2 is inadequate since it does not provide specific treatment types or replacement water sources.

Response to SBMWD-15

A primary objective of the proposed project is to replenish groundwater with recycled water to meet local demands. Mitigation Measure HYDRO-2 requires that Valley District implement a groundwater monitoring program in conjunction with the replenishment. The monitoring program would assist in managing the groundwater basin effectively to maintain beneficial uses and to protect public health. It is not anticipated that the replenishment water would adversely affect local drinking water wells. However, with the establishment of a groundwater monitoring network, water quality can be measured and recorded to evaluate potential impacts and

[1] Regulations for groundwater replenishment using recycled water, effective June 18, 2014, http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/RecycledWater.shtml

implement corrective measures, if required. The identified corrective measures include modification of treatment of the replenishment water, or modification of operations of the well that may require providing replacement water until the water quality issue is corrected. The Mitigation Measure cannot predetermine additional specific modifications since those would depend on and correct the water quality impairment identified during monitoring.

Furthermore, as noted in Response to Comment SBMWD-13 and SBMWD-14, the project would be subject to an NPDES permit that would protect beneficial uses of the groundwater basin. The Basin Plan objective for Bunker Hill subbasin B has assimilative capacity, which the RWQCB has indicated could be assigned to recycled water projects. The details of the project's use of assimilative capacity in Bunker Hill subbasin B would be determined with the RWQCB during the permitting process. Based upon the permits issued by the RWQCB to other recycled water projects, it is reasonable to conclude that the RWQCB will either require the project to meet Basin Plan objectives or to demonstrate that the project satisfies "maximum benefit" analysis. In either case, the RWQCB would find the permitted project to be consistent with the Basin Plan.

Please see Responses to Comments RPU-1, RPU-2, and RPU-5.

Comment SBMWD-16

The comment addresses the concern that no information or analysis is provided regarding the potential for the supplemental wells to adversely affect groundwater levels or surface water quality or impact potentially higher flow velocity segments of the river used for spawning and juvenile Santa Ana suckers. The comment suggests the DEIR include summer groundwater temperature data for the Rialto wells.

Response to SBMWD-16

DEIR Figure 2-7g identifies four existing wells in Rialto that could be used to introduce groundwater into the Rialto Channel. The refurbishment of the wells would require minor work to be conducted by Valley District. Table 2-9 of the DEIR recognizes that the use of the wells would require approval of the well owners. Regarding the assumptions on temperature, the DEIR makes a reasonable assumption that the groundwater temperature would be substantially less than the recorded summer-time temperatures in the Rialto Channel which exceed 86 degrees Fahrenheit. The DEIR does not target an ideal water temperature, but rather concludes that use of the wells to lower river water temperatures would improve conditions compared to existing conditions. The DEIR acknowledges on page 3.9-24 that local groundwater levels would be affected by the use of the supplemental water wells. The DEIR assumes that although a cone of depression around the wells would lower local groundwater levels; this effect would be similar to the original designed use of the wells. Furthermore, the water would be discharged into the SAR at a point where in-channel percolation is very high, re-introducing discharged water into the groundwater system. The DEIR concludes that use of the existing wells would not significantly impact groundwater levels or deplete the aquifer.

Please see Response to Comment Rialto-1.

Comment SBMWD-17

The comment states that the Clean Water Factory, including the capacity of the Redlands Basin to accommodate the Clean Water Factory, is not adequately assessed in the cumulative analysis.

Response to SBMWD-17

The Clean Water Factory is included as Cumulative Project # 6 in Table 4-1 of the DEIR. Since the Clean Water Factory would contribute to reduced discharges, the Reduced Discharge Study prepared for the proposed project includes an analysis of cumulative reductions up to 24 MGD. The analysis is summarized in Chapter 4 as well as on page 3.4-63. Furthermore, the use of the Redlands Basins by the City of Redlands was considered a cumulative project. The cumulative use of these basins by the Clean Water Factory was not analyzed since the Redlands Basins were not part of the Clean Water Factory project description in the Notice of Preparation for the Clean Water Factory. Conversely, the cumulative use of the East Twin Creek Spreading Grounds was considered since the Clean Water Factory project description identifies these basins as potential recharge locations. The DEIR concludes that sufficient capacity is available for both projects.

Comment SBMWD-18

The comment states that the Expanded Trunk Sewer Alternative would meet most of the project objectives when coupled with the Clean Water Factory.

Response to SBMWD-18

The Expanded Trunk Sewer Alternative would not meet the water supply objectives of the proposed project since recycled water would not be produced for replenishing the Bunker Hill Basin. Although SBMWD has the intention of implementing the Clean Water Factory, this outcome and its timing cannot be guaranteed. The proposed project would assist SBMWD in its recycled water goals and eliminate the need for an expanded trunk sewer. The comment provides no basis for its assertion that the combined proposed Clean Water Factory and Expanded Trunk Sewer Alternative would lower costs.

Comment SBMWD-19

The comment disagrees that under the No Project Alternative future wastewater needs would not be met.

Response to SBMWD-19

Under the No Project Alternative, the conveyance system would not accommodate planned future wastewater flows in the EVWD service area as summarized in the 2013 Wastewater Collection System Master Plan. Without conveyance capacity, the treatment could not be accommodated.

Comment SBMWD-20

The comment states that the EVWD Master Plan recommends multiple small treatment plants that were not considered as a project alternative.

Response to SBMWD-20

An Update of Recycled Water Feasibility Study prepared in 2015 concluded that the small projects alternative would not meet the needs of EVWD and directed focus towards a larger project as a solution.

Comment SBMWD-21

The comment states that the DEIR's conclusions about the feasibility and environmental benefits of the 3 MGD Alternative are not supported by substantial evidence.

Response to SBMWD-21

The DEIR explains the rationale for selecting the Environmentally Superior Alternative on page 6-24. The DEIR concludes that since the 3 MGD would result in less mitigation under Mitigation Measure BIO-3, it would not be the environmentally superior alternative. The CEQA Guidelines Section 15126.6(d) explains that an EIR's evaluation of alternatives should be sufficient "to allow meaningful evaluation, analysis, and comparison with the proposed project." Chapter 6 of the DEIR outlines several alternatives that would lessen certain impacts of the project. The DEIR concludes based on reasonable evaluation that the proposed project would be environmentally superior based on the commitments made in Mitigation Measure BIO-3 which would improve aquatic habitat compared to existing conditions and enhance regional water supplies.

Comment SBMWD-22

The comment states that under the 1969 Agreement, SBMWD is required to discharge 16,000 AFY for delivery to Prado Dam. The comment further states that the intention of the DEIR at Riverside Narrows is unclear: is the flow obligation 15,250 AFY (DEIR 3.9-5) or 12,420 AFY (DEIR 3.9-28)? The comment also asks whether the SNRC raises a potential compensable takings issue.

Response to SMBWD-22

The DEIR concludes that even with the reduction of 6 MGD from the RIX discharge, Valley District's water delivery obligation under the 1969 Judgment would be maintained through the remaining RIX discharges. The DEIR further concludes that the water delivery obligation is Valley District's as the regional water agency, though, as discussed below, the City of San Bernardino has agreed to discharge sufficient water to meet Valley District's obligation under the *Orange County* Judgment. The SBMWD has neither a contractual nor adjudicated ownership interest in the effluent generated within the proposed SNRC service area. Under the current agreement between SBMWD and EVWD, there is no obligation that EVWD deliver flows to

SBMWD, as there is no minimum flow requirement and the delivery of flows is permissive ("may") and not mandatory. Accordingly, there is no concern or issue of compensable taking.

At present, under the terms of the *Orange County* Judgment, Valley District is entitled to reduce actual flows at Riverside Narrows to 12,420 afy of base flow due to the credits that Valley District has accrued since 1969. Valley District is prepared to enter into a memorandum of understanding with the City of San Bernardino that would: (i) allow for flow reductions from RIX or other sources so as only to provide 12,420 afy at Riverside Narrows rather than discharging the full 16,000 afy as required by the agreement between the City of San Bernardino and Valley District; (ii) allow the City of San Bernardino to use up to 3,580 afy that would have been discharged for the purpose of replenishing the San Bernardino Basin Area, replacing the 3,580 afy with credits previously accrued by Valley District under the terms of the *Orange County* Judgment; and (iii) prevent the City of San Bernardino from selling, leasing, or otherwise conveying or transferring the 3,580 afy, directly or indirectly, outside the boundaries of Valley District.

The differing numbers identified in the comment in the DEIR regarding Valley District's delivery obligation to Prado Dam reflect the difference between Adjusted Base Flow and minimum flow commitments. These are described in detail in the referenced Watermaster Report.

> Paragraph 5(b) of the Judgment states that "SBVMWD shall be responsible for an average annual Adjusted Base Flow of 15,250 acre-feet at Riverside Narrows. SBVMWD each year shall be responsible for not less than 13,420 acre-feet of Base Flow plus one-third of any cumulative debit, provided, however, that for any year commencing on or after October 1, 1986, when there is no cumulative debit, or for any year prior to 1986 whenever the cumulative credit exceeds 10,000 acre-feet, said minimum shall be 12,420 acre-feet." (2013-14 Watermaster Report, page 27)

Comment SBMWD-23

The comment states that SBMWD owns and relies upon the effluent it discharges to the Santa Ana River and expresses concern that that the 6 MGD reduction of flow could have an adverse financial impact on SBMWD's WRP and affect SBMWD's proposed Clean Water Factory Project.

Response to SBMWD-23

It is important to distinguish between the effluent that SBMWD discharges to the Santa Ana River and the wastewater produced in the EVWD service area. The project would only treat and use the latter, which SBMWD does not own. EVWD has conveyed its wastewater for treatment to the SBWRP under a permissive agreement with the City that has, since 1986, granted this option to EVWD at EVWD's expense. The SNRC project does not propose to appropriate or use water that has been discharged to the Santa Ana River by the SBMWD.

The DEIR does not evaluate the impacts of reduced fees to the City resulting from the construction of the SNRC. As noted in CEQA Guidelines Section 15131, CEQA does not require that economic effects be considered unless they would result in an environmental impact. The DEIR assumes that the City of San Bernardino and SBMWD would continue to provide wastewater treatment services to its service area.

Comment Letter – San Bernardino International Airport Authority (SBIAA)

Comment SBIAA-1

The comment suggests that the Valley District carefully consider the potential impacts of the SNRC development. The comment states that the concerns set forth in FAA Advisory Circulars 150/5200-33B, 150/5200-34, as well as Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181), and State guidelines including the provisions set forth in the California Airport Land Use Planning Handbook should be specifically addressed.

Response to SBIAA-1

FAA Advisory Circulars 150/5200-33B, 150/5200-34, as well as Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) refers to construction interfering with air commerce and public airports. The project does not propose construction that may interfere with air commerce or a public airport. Further, the DEIR concludes on page 3.8-16 the project is consistent with airport land use plans.

Comment SBIAA-2

The comment suggests that Valley District should provide clarification on the guidelines that will be followed with the design of the exterior lighting. The comment states that the lighting components should be reviewed and approved by SBIAA.

Response to SBIAA-2

Exterior night lighting would be compliant with City of Highland requirements to shield glare from emanating from the site. (DEIR p. 3.1-13.) These requirements would apply to airspace glare as well, and so the proposed facility would not create a significant adverse impact to aircraft.

Comment SBIAA-3

The comment states that the DEIR should acknowledge over flights (including single event noise spikes) as background noise conditions for the site.

Response to SBIAA-3

The DEIR addresses noise and analyzes the constructional and operational impact of the proposed project. The DEIR acknowledges background levels of noise from airplane overflights and the proximity of airports to the SNRC site on pages 3.11-6 and 3.11-21. Impacts on noise resulting from the proposed project are expected to be less than significant with mitigation as stated on page 3.11-1. Thus, the operational impact of background noise is considered and would be

mitigated by the implementation of Mitigation Measures NOISE-2 and NOISE-3. To the extent that the comment is focused on the background noise generated by the existing operations at the airport, CEQA requires that the impacts of the *project* be mitigated, not environmental conditions that already exist. The DEIR sufficiently considered and mitigates for the project's impacts on sensitive noise receptors and the cumulative impacts of the project and the existing conditions at the airport. No further response or mitigation is required.

Comment SBIAA-4

The comment states that Valley District should provide information on the plans to mitigate wildlife attractants and standing water conditions at the proposed SNRC in conformance with the requirements set forth in FAA Advisory Circulars 150/5200-33B, 150/5200-34, and Public Law 106-81.

Response to SBIAA-4

The project proposes open-water detention ponds at the Administrative Center as one of the ways in which the project would replenish the groundwater basin. Those ponds serve two distinct purposes, first to collect and percolate onsite stormwater runoff, and second to percolate treated wastewater. The ponds will be designed to meet the 48-hour stormwater percolation goal established by the FAA and so would be consistent with the comment. In particular, the project will prevent the establishment of vegetation within the ponds that can serve as a wildlife attractant. The project would also be designed in conjunction with state and federal airport agencies so as to minimize the likelihood that wildlife that may use these ponds would create hazards at the airport.

Comment SBIAA-5

The comment states that special attention to ensure protection of the San Bernardino kangaroo rat and the Santa Ana woolly star during construction is required. The comment states that further information on the proposed pipelines residing on or adjacent to SBIAA owned property is required.

Response to SBIAA-5

Mitigation Measures BIO-1 and BIO-2 would ensure that impacts to SBKR and special status plants are not significant.

Please see Responses to Comments CDFW-1, CBD-5, CBD-9, CBD-10, CBD-12, and USFWS-12.

Comment Letter – Endangered Habitats League (EHL)

Comment EHL-1

The comment summarizes the Endangered Habitats League's concern that the proposed project could move forward in the absence of a Habitat Conservation Plan. EHL expresses their concern for the importance of adequately analyzing individual and cumulative impacts in case this occurs.

Response to EHL-1

Valley District appreciates the comment's support for the HCP, as the HCP is the type of comprehensive approach that will create conditions that will contribute to the conservation and recovery of the SAS over the long term. As noted in the comment, Mitigation Measure BIO-3 commits Valley District to participating in the Upper SAR HCP. The project would not undermine the HCP process, but rather commits Valley District to participating. Further, in the event the HCP is not completed in a timely manner, Mitigation Measure BIO-3 requires implementation of an approved HMMP, which is designed to accomplish essentially the same beneficial activities that will be undertaken pursuant to the HCP.

Please see Responses to Comments CDFW-1 and USFWS-1.

Comment EHL-2

The comment summarizes EHL's concern that the water needed for Santa Ana sucker survival was not adequately defined in terms of quantity, quality, and flow regime in the DEIR. EHL states that the EIR must identify and disclose the water that should remain in-stream for the Sucker and compare the survival parameters to the effects of implementing the proposed project and cumulative diversions.

Response to EHL-2

The DEIR describes the existing condition of the SAR and RIX discharges on page 3.4-48. The Reduced Discharge Study estimates the impact to depth and velocity that may occur if discharges were reduced. Determining low flow requirements is complex since depth and velocity can vary substantially depending on the channel geometry and flow obstructions. In addition, preferred depth and velocity may be different for younger stage juveniles than for adults, recommending a variety of conditions within a targeted river segment. For these reasons, the scientific community has not established a widely accepted minimum flow volume although the USGS is in the process of developing a Habitat Suitability Model for the Santa Ana sucker as part of the HCP planning process. The model, which is expected to be completed and tested in the summer of 2016, will be used by this project and others to determine the most effective conservation activities for the species.

However, establishment of a fixed minimum flow volume is not necessary in order to accurately assess the impacts of flow reduction or identify measures that will mitigate those impacts. In

general, the project proposes to reduce the constant flow of water by 20% in a system that is already experiencing a multitude of stressors. Due to the currently degraded condition of the SAR habitat and a proposed reduction of constant flow, the DEIR concluded that the impact to the Santa Ana sucker in particular is properly deemed "significant and unavoidable."

Even without reference to a definitive low flow "basement," Valley District has been able to identify potential impacts and develop appropriate mitigation measures. Measure BIO-3 outlines conservation commitments to be included in an HMMP to specifically address the direct, indirect, and cumulative impacts of the proposed project. Notably, the volume of flow in the Santa Ana River is not the only factor affecting SAS survival. While the project will eventually reduce river flows, the matrix on page 3.4-52 of the DEIR sets forth measures that address numerous other factors that affect the long-term viability of the SAS. Improving those factors compared to existing conditions will help ameliorate the impacts of the project resulting from reduced flows, in part by creating a buffer against catastrophic events, including periodic dewatering events, which could otherwise result in virtual extirpation of the species.

In other words, the HMMP is designed to not simply rectify the impacts of the project in a way that will maintain the current status quo – which has not been beneficial to species like the SAS, to say the least – but to address, in a long-term, comprehensive manner, a variety of existing conditions that adversely affect the SAS and other species, like the Arroyo chub. Valley District has concluded that the project's reduction of river flows is properly deemed a significant and unavoidable impact to the SAS, but in an effort to rectify that impact as CEQA requires, is committed to addressing numerous other undesirable conditions that interfere with the long-term survival of the species. Furthermore, through this project Valley District proposes to begin implementing the first phase of a long-term, regional conservation strategy that will provide the framework for recovery of the species.

Please see Response to Comment CDFW-3.

Comment EHL-3

The comment includes EHL's request to include a deeper analysis and comparison of the recharge sites in regards to the reduction of impacts, enhancement, and restoration opportunities.

Response to EHL-3

Table 6-1 provides a comparison of each of the three discharge location alternatives. The discharge to City Creek would provide the greatest habitat benefit, which is why it is being considered. However, as other factors including hydrology must also be taken into account, the two other recharge locations are also being considered.

Please see Responses to Comments CDFW-1.

Comment EHL-4

The comment addresses EHL's concern that the ultimate success of the Santa Ana sucker depends on a regional approach among public agencies. EHL recommends that public agencies make their lands available for enhancement and restoration opportunities with appropriate monetary compensation, even if the mitigating agency is not the landowning agency.

Response to EHL-4

Valley District has confirmed its commitment to regional cooperation in the DEIR, and supports the recommendation that lands needed for restoration and enhancement be made available for those purposes even if the mitigating agency does not own the lands. This type of cooperative approach will provide the greatest long-term benefits to the region and offers the best opportunity for meaningful progress towards protection and recovery of species in the region that will be affected by the SNRC and other similar projects. Valley District is thus committed to participating in the Upper SAR HCP in coordination with regional stakeholders.

Comment Letter - Center for Biological Diversity / San Bernardino Valley Audubon Society/ San Gorgonio Chapter of Sierra Club (CBD)

Comment CBD-1

The comment agrees that the diversion of water from the Santa Ana River to the proposed SNRC may provide a benefit to biological resources such as the federally threatened Santa Ana sucker. However, the comment contends that the CEQA analysis is inadequate, that CBD is not able to determine if the release of water will be helpful or harmful, and that Valley District cannot move forward in approving the project based on the inadequate and incomplete DEIR.

Response to CBD-1

The CEQA analysis documents and evaluates all potential project-related impacts to special-status and sensitive biological resources that occur or have the potential to occur on the project site and the area proposed to be affected by the project. Response to comments CBD-2 through CBD-23 will demonstrate the adequacy and completeness of the DEIR.

Comment CBD-2

The comment is concerned about the diversion from the Santa Ana River that will be caused by the project as well as the impacts on biological resources from installing new pipes and outlet structures to existing infiltration basins at Twin Creeks and Redlands, the effects to City Creek, and the activation of wells and re-purposing an existing pipe to provide water into the Rialto Ditch when the outflow in that ditch is too warm to sustain Santa Ana sucker fish.

Response to CBD-2

The DEIR assesses the potential for the project to result in significant impacts to biological resources from all facets of the project, including the installation of new pipelines and outlet structures and the effects to City Creek and the Rialto Channel. As stated in the first paragraph of the Biological Resources Section (Section 3.4) of the DEIR, “The analysis identifies the proposed project elements that may have measurable impacts on these resources”, which includes permanent and temporary impacts.

Comment CBD-3

The comment states that the biological resources analysis has been deferred and the one “survey” that was conducted is inadequate because sufficient biological surveys have not been completed and only one “questionable” focused survey for a protected species occurred.

Response to CBD-3

Valley District shares the commenter's concern regarding the potential impacts construction and operation of the project may have on sensitive species. That concern, however, is precisely why Valley District has chosen an approach to mitigation of those impacts that ensures the formulation of specific mitigation measures is based on contemporaneous site surveys that will provide the most up-to-date information possible, which in turn will increase the effectiveness of the final mitigation strategy. Surveys done prior to project approval would not best reflect the impacts that will occur at the time of construction of the project, because there will be lag time between approval and construction as the regulatory process continues. Valley District has concluded that conducting focused surveys closer to the time of construction is the approach that will best protect the affected biological resources.

Deferring formulation of specific mitigation measures based on the results of future surveys is permitted under CEQA when, as here, the agency commits to those future surveys, requires future regulatory review based on the results of those surveys, and identifies methods that will be considered for mitigating potential impacts.

A biological resources reconnaissance site survey was conducted of the proposed project's impact areas in the summer of 2015. The Biological Resources Report included in Appendix C of the DEIR summarizes the results of the site survey, including an inventory of all potentially present special status species. Tables 3.4-2 and 3.4-3 of the DEIR list these species and describe the likelihood that the project could impact them. The Report provided extensive information regarding the species and habitats then present at the sites. However, because the distribution of species may change over time, through Mitigation Measures BIO-1 and BIO-2 Valley District has committed to conducting focused surveys in the project impact areas to better understand the actual impacts to species and habitat in those areas, so that Valley District, in consultation with CDFW and/or USFWS, can develop mitigation measures that will be directly responsive to those precise impacts.

The special status species of concern with the highest potential to occur within the impact areas include SAS, SBKR, least Bell's vireo, southwest willow flycatcher, burrowing owl, and several rare plants including woolly star, and spineflower. Figure 11-1 has been added to the DEIR to identify occurrence data for these species within City Creek. The DEIR recognizes that construction of the discharge structure and the discharge of water could impact species that currently exist in the discharge locations. To ensure that these species are not impacted significantly, the DEIR presents a mitigation strategy that provides for surveys of the impact zones prior to construction, measures to avoid impacts, and compensation for unavoidable impacts. Since conditions within City Creek change over time due to flood events, Mitigation Measure BIO-1 rightfully commits Valley District to conducting surveys closer to the time of the impact in order to implement the project's impact minimization action requirements as outlined in the Mitigation Measure.

To provide further assurances that any impacts will be properly mitigated, in addition to other potential actions, Valley District is committed to a 1:1 mitigation ratio for temporary habitat

impacts resulting from construction, and a 3:1 ratio for permanent impacts to species associated with affected alluvial fan habitat, including the San Bernardino kangaroo rat. The precise details of how necessary mitigation measures will be carried out, however, will still be determined closer to the time of the actual impacts, when surveys providing up-to-date information regarding the affected species will be formulated. This is not an improper deferral of data collection, but creation of a fixed obligation to conduct additional focused surveys to provide precise data on sensitive plant and animal locations that will allow Valley District, in consultation with CDFW and /or USFWS, to ensure that the mitigation strategy adopted reflects actual conditions.

Please see response to CDFW-1.

Comment CBD-4

The comment states the survey was a "reconnaissance-level survey" that did not span the entire year or cover the entire project area given the statement in the DEIR that visual observations of areas that were not accessible were made from the nearest accessible locations.

Response to CBD-4

As stated in the first bullet point of the Literature Review and Field Reconnaissance Section on DEIR page 3.4-1, three reconnaissance-level surveys were conducted at the project site on April 28, July 17, and August 3, 2015. Due to the size of the project and standard industry practices, for this project a reconnaissance-level survey is sufficient to obtain general habitat conditions and determine species that occur or could occur on the project site.

Additionally, the reconnaissance-level surveys conducted on the project discharge sites spanned from spring to late summer, covering 5 months of the 2015 year and a time period when most plants are blooming and wildlife are breeding. This time period is the most suitable time to observe a vast majority of species in Southern California due to average climate conditions. And as stated in the methodology section of the Biological Resources Report (Section 3.2) "the surveys were conducted on foot within accessible portions of the site", which contains a vast majority of the site and only excludes areas that were fenced off or gated where access was not granted. This exclusion did not, however, result in inadequate or less than thorough assessment of biological resources on the project site.

Comment CBD-5

The comment states that there is limited discussion of the San Bernardino Merriam's kangaroo rat known to be present in the area. The comment quotes a statement regarding surveys for the species and negative findings, but states that citation to and details of the survey report are not included in the discussion in the DEIR or as an attachment, and summarizes the accepted USFWS survey protocol. The comment also states without further information the CBD cannot determine if the surveys for San Bernardino Merriam's kangaroo rat were conducted according to protocol and are therefore, valid.

Response to CBD-5

Valley District appreciates and shares the concern for the SBKR – although there has been significant focus on efforts to protect and conserve the SAS, it is also important that impacts to the SKBR, including impacts that may result from efforts to benefit the SAS, be addressed.

The biological resources site survey conducted over the summer of 2015 (and summarized in Appendix C of the DEIR) identified SBKR habitat and historic occurrence within the City Creek impact areas (see Figure 11-1). The DEIR concludes on page 3.4-46 that SBKR may be displaced within the small permanent impacted area in the creek and in the center of the streambed from perennial flow.

To address potential significant impacts to the SBKR, the DEIR includes Mitigation Measure BIO-2 which commits Valley District to direct consultation with CDFW and USFWS for potential impacts to SBKR and other listed species impacted in City Creek. This consultation would be conducted directly and not through the Upper SAR HCP. Valley District is committed to conduct future site-specific surveys and appropriate consultation with CDFW and/or USFWS, the results of which will be used to determine proper mitigation for impacted SBKR. Valley District is also committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to species associated with affected alluvial fan habitat, including the SBKR. It is Valley District's goal to provide enhancement of SBKR habitat near the area if appropriate to achieve maximum ecological value to the species, in coordination with the Wildlife Agencies. However, if onsite enhancement is not possible, Valley District will seek to obtain and manage high-quality habitat or an area with the potential to become high quality through additional management adjacent to the impact area and within designated critical habitat. Additionally, Valley District will add to Mitigation Measure BIO-2 a subsection requiring pre-construction trapping and relocation of the San Bernardino kangaroo rat, in accordance with accepted protocol, if determined necessary by the USFWS during the Section 7 consultation process.

Comment CBD-6

The comment states focused surveys for burrowing owl, 16 rare plants, and 35 rare animals were not conducted and are deferred to prior to construction. The comment states that lacking this information makes it impossible to conduct an adequate CEQA evaluation of impacts, and any conclusions cannot be demonstrated to be supported by substantial facts.

Response to CBD-6

As noted in prior responses, a biological resources site survey was conducted of the proposed project's impact areas in the summer of 2015. The Biological Resources Report included in Appendix C of the DEIR summarizes the results of the site survey. The biological survey assessed all potential impact locations described in the Project Description, and the DEIR appropriately inventories all potentially impacted species. The DEIR thus informs Valley District, regulators, and the public that the project may have adverse effects on those species. That is

precisely why the DEIR sets forth mitigation measures that will ensure that those impacts will be less than significant.

Valley District has concluded that to provide the most effective mitigation of the projects impacts, it must develop specific mitigation measures through appropriate consultation with CDFW and USFWS based on up to date information that reflects the status of the impact areas near the time the impacts are expected to occur. The future surveys to which Valley District is committed will enable Valley District and the wildlife agencies to select specific mitigation measures that will render the project's impacts insignificant. The surveys will be conducted in accordance with CDFW-recommended protocols. The results of those future surveys will inform the selection of mitigation measures that will avoid or rectify any impacts to the burrowing owl, potentially including compensation for loss of occupied habitat, establishment of a suitable buffer (typically 500 feet) around nests, monitoring during construction or delaying construction, and, if necessary, passive relocation in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation. (See Mitigation Measures BIO-2, which commits Valley District to conducting future surveys and development of appropriate mitigation, and lists potential mitigation strategies.) The ultimate goal of the selected mitigation measures will be to ensure that any impact to the burrowing owl is rendered insignificant

Please also see response CDFW-5.

Comment CBD-7

The comment states the DEIR fails to mention USFWS-designated Critical Habitat for the southwestern willow flycatcher which occurs in the project area; which is an oversight that makes for a legally insufficient DEIR.

Response to CBD-7

Critical Habitat for this species does not occur in the areas impacted by construction of the project components. However, Figure 3.4-2 has been modified to show the proximity of Critical Habitat for southwestern willow flycatcher within the segment of the SAR downstream of the RIX discharge. The revised Figure 3.4-2 is included in Chapter 12.

The DEIR acknowledges that southwestern willow flycatcher is found in riparian habitats in the region (Table 3.4-3). The USFWS has designated primary constituent elements that are essential for the flycatcher, including dense riparian habitat near a dynamic river system. The DEIR on page 3.4-58 evaluates the potential for the reduction of 6 MGD to impact riparian habitat suitable for use by the flycatcher. The DEIR concludes that the reduced flow would have minimal effects to riparian habitat (please see response to comment OCWD-1) and therefore, impacts to southwestern willow flycatcher would not occur. In response to this comment, the following text has been added to page 3.4-54 of the DEIR to further acknowledge the southwester willow flycatcher Critical Habitat in the project area and to clarify that the project would not result in a reduction in southwestern willow flycatcher Critical Habitat.

Operational Impacts

USFWS-designated Critical Habitat for southwestern willow flycatcher is located within the SAR (refer to Figure 3.4-2). The designation published in the Federal Register on January 3, 2013, lists Primary Constituent Elements (PCE) for the southwestern willow flycatcher as follows:

1. Riparian vegetation along a dynamic river or lakeside that is comprised of trees and shrubs with some combination of:
    a. Dense trees and shrubs that can range in height from 2 to 30 meters
    b. Areas of dense riparian understory foliage at least from the ground level up to approximately 13 feet.
    c. Sites for nesting that contain a dense tree and/or shrub canopy
    d. Dense patches of riparian forests that are interspersed with small openings of open water or marsh
2. Insect Prey Populations

The operational requirements of the project will divert 6 MGD of recycled water that would have been discharged into the Santa Ana River from the RIX facility, and discharge that water into City Creek northeast of the project area, Redlands Basins, and/or the East Twin Creek Spreading Grounds. The reduction in flow of 6 MGD would not result in a substantial decrease in riparian cover that would restrict the primary constituent elements identified by USFWS for southwestern willow flycatcher including dense understory and insect populations. Sufficient volumes of water would remain in the river channel to support the riparian habitat similar to existing conditions. Furthermore, implementation of Mitigation Measure BIO-3 would provide for management of the riparian habitat including the removal of invasive weeds including *arundo donax* which would increase the acreage of native riparian vegetation compared with existing conditions, as native willows emerge in areas where *arundo donax* has been removed. Additionally, the discharge of water into City Creek or other basins by the proposed project will support the growth of riparian habitat at those locations. Therefore, there will be no adverse modification of Critical Habitat as a result of the operational requirements of the project.

Comment CBD-8

The comment states the DEIR fails to quantify the decrease in southwestern willow flycatcher habitat due to the decrease in 6 MGD into the Santa Ana River, and without a quantified amount of impact proposed mitigation measures to offset impacts cannot develop clear goals or truly offset the impact.

Response to CBD-8

The DEIR recognizes on page 3.4-26 that southwestern willow flycatcher may occur within the willow forests supported by surface water flows in the SAR. The DEIR concludes on page 3.4-45 that the reduction of 6 MGD flow would not significantly reduce riparian vegetation along the SAR corridor. The Reduced Discharge Study estimates the reduction in wetted area of the channel to be less than 6 percent. This small reduction in the width of the channel would not result in substantial loss of riparian habitat. As a result, any special status species that utilize riparian habitat including the southwestern willow flycatcher would not be significantly impacted by the project. Additionally, increased native vegetation in City Creek resulting from a perennial water supply and potentially in Rialto Channel due to the augmentation of summer water supply will have the virtue of distributing the flycatcher and vireo spatially throughout the Santa Ana River Basin. Distributing the population spatially could indirectly benefit the species due to less competition for food, cover and nesting locations resulting in a net benefit to the Santa Ana River population of vireo and/or flycatcher. Additionally, the expanded distribution could potentially reduce the risk of catastrophic loss due to an accident (e.g. fire, contamination, disease) or other disaster. Please see response to comment OCWD-1.

Please see response to comments CBD-7 and OCWD-1.

Comment CBD-9

The comment states the identification of impacts to San Bernardino Merriam's kangaroo rat is vague or unidentified, and as an example identifies that the City Creek outlet structure alternative locations are within designated Critical habitat and while permanent impacts are identified, temporary impacts are not identified and could be extensive and profound.

Response to CBD-9

The DEIR addresses potential impacts to the SBKR. The biological resources site survey conducted in the summer of 2015 identified SBKR habitat and historic sightings within the City Creek impact areas. The DEIR concludes on page 3.4-46 that SBKR may be displaced within the small permanent impacted area in the creek and in the center of the streambed from perennial flow. Therefore, the DEIR includes Mitigation Measure BIO-2 which commits Valley District to direct consultation with CDFW and USFWS for potential impacts to SBKR and other listed species impacted in City Creek. This consultation would be conducted directly and not through the Upper SAR HCP.

The DEIR also evaluates on page 3.4-47 the potential for discharges at City Creek to modify habitat within the creek bed that is within the USFWS-designated Critical Habitat of the SBKR. The DEIR concludes that the addition of perennial flows within the creek would contribute to a native ecosystem creating a perennial stream in an existing ephemeral channel within an area of overlapping Critical Habitat designations. The proposed project would not create a new creek where one did not previously exist. Mitigation Measures BIO-1 and BIO-2 provide for compensation of impacted SBKR habitat (RAFSS) at a 3:1 ratio.

Please see responses to CBD-5 and CDFW-1.

Comment CBD-10

The comment states Mitigation Measure BIO-2 relies on surveys for the kangaroo rat will be conducted in the future making it unclear how animals and Critical Habitat will be impacted, and subsequent mitigation measures that rely on the Biological Assessments submitted during the Section 7 and 2081 consultations with wildlife agencies. This approach fails to provide the public and decision makers with adequate data and analysis of impacts, and does not allow for public comment on proposed conservation measures and compensation.

Response to CBD-10

A biological resources site survey was conducted of the proposed project's impact areas in the summer of 2015. The Biological Resources Report included in Appendix C of the DEIR summarizes the results of the site survey. The survey identified SBKR habitat and historic sightings within the City Creek impact areas. The DEIR concludes on page 3.4-46 that SBKR may be displaced within the small permanent impacted area in the creek and in the center of the streambed from perennial flow.

To address potential impacts to the SBKR, the DEIR includes Mitigation Measure BIO-2 which commits Valley District to direct consultation CDFW and USFWS for potential impacts to SBKR and other listed species impacted in City Creek. This consultation would be conducted directly and not through the Upper SAR HCP. Valley District has concluded that conducting focused surveys closer to the time of construction and basing specific mitigation measures on the results of those surveys and consultation with CDFW and/or USFWS is the approach that will best protect the affected biological resources.

In addition, while the SNRC site is a particularly poor location for the SBKR and Valley District does not expect SBKR to be found on the site, if warranted, Valley District will conduct pre-construction trapping and relocation of the San Bernardino kangaroo rat, in accordance with accepted protocol, at the SNRC facility site in addition to the existing measures set forth in Mitigation Measure BIO-2.

Please see Responses to Comments CDFW-1, CBD-5, and CBD-9.

Comment CBD-11

The comment states the DEIR does not attempt to quantify the change in decreasing RAFSS and increase in riparian habitat, and the related potential impact to rare and endangered species. The comment contends that a decrease in RAFSS habitat would require mitigation which the DEIR fails to discuss and should fully address.

Response to CBD-11

Since the exact locations for the discharge structures will be refined during final design, precise impact locations have not been identified. However, the approximate locations are well understood and shown in Figures 2-7a through 2-7d.

Valley District is committed to conducting future site-specific surveys and appropriate consultation with CDFW and/or USFWS, the results of which will be used to determine proper mitigation for impacted species, and will also meet at least a 1:1 mitigation ratio for temporary habitat impacts and a 3:1 ratio for permanent habitat impacts. Future permitting processes will serve to better refine and further develop appropriate mitigation and, importantly, will give CDFW and other agencies further opportunities to suggest how mitigation strategies can be best adapted to respond to the actual conditions of the impacted areas. Valley District is eager to develop mitigation measures that have the best chance of benefitting the affected species, and looks forward to collaborating with CDFW and USFWS to develop both an effective plan for mitigating the project's impacts, and a regional, long term strategy for improving the system in City Creek for both RAFSS and riparian dependent species.

Please see Response to Comment CDFW-1.

Comment CBD-12

The comment states that any segments of the 36-inch Santa Ana River Pipeline that need to be replaced will likely fall within Critical Habitat for the San Bernardino Merriam's kangaroo rat, and the DEIR falls short of identifying and quantifying potential impacts to Critical Habitat, and subsequent mitigation.

Response to CBD-12

Mitigation Measures BIO-1 and BIO-2 cover impacts to any construction zone that may support special status plants or animals including on property traversed by the SAR Pipeline.

Please see Responses to Comments CDFW-1, CBD-5, CBD-9, and CDB-10.

Comment CBD-13

The comment requests additional clarity on the operation of the wells and the minimum flows going into the Santa Ana River.

Response to CBD-13

The supplemental water wells would be one component in a broader mitigation strategy. The supplemental water could be used in the summer months to reduce temperature in the Rialto Channel or to provide supplemental flows during RIX shut downs. The supplemental water is not intended to be a full-time contribution to the river flow. Based on analysis conducted by the USGS, it is possible to reduce the water temperature from the current 89 degrees Fahrenheit to

below 85 degrees Fahrenheit (the maximum tolerance of SAS) with approximately 2 cfs of groundwater, for a total of about 365 acre feet per year if introduced from July to September. The goal of this measure would be to implement the supplemental water to increase the temporal availability of suitable habitat for SAS. The habitat condition triggers and success criteria will be developed in coordination with the Wildlife Agencies and USGS for inclusion in the HMMP.

Comment CBD-14

The comment states the DEIR fails to examine the opportunity for re-introduction of Gambel's watercress back into the Santa Ana River watershed from which it has been extirpated, and strongly suggests that re-introduction be part of the strategy for recovering this very rare species.

Response to CBD-14

Valley District appreciates the comment, but as listed in Table 3.4-2 (page 3.4-17) Gambel's watercress is not expected to occur on the project site due to the fact the species has been extirpated from the area entirely, has not been documented in the area in over 100 years, and the only known location currently exists in Santa Barbara County. Therefore, there is no potential for the project to result in any significant impacts to this species and, as instructed by CEQA, no mitigation is proposed.

Comment CBD-15

The comment states it seems wrong for the arroyo chub to only have a medium potential to occur on the project site because arroyo chub is sympatric with the Santa Ana sucker in the Santa Ana River. Clarification is requested.

Response to CBD-15

The DEIR recognizes on page 3.4-11 and 3.4-12 that arroyo chub occur within the SAR watershed. The comment correctly notes that the arroyo chub exists sympatric with Santa Ana sucker in the SAR below the RIX discharge. To emphasize the potential for the arroyo chub to occur in the SAR, Table 3.4-4 will be modified as follows:

TABLE 3.4-4
POTENTIALLY OCCURRING SENSITIVE WILDLIFE SPECIES

Common and *Scientific Name*	**Status[1] (Federal/State/ CNDDB)**	**Habitat**	**Potential to Occur in Project Impact Area**
Arroyo chub *Gila orcutti*	FSC/SSC/S2	Los Angeles Basin south coastal streams. Slow water stream sections with mud or sand bottoms.	**High~~Medium~~.** Suitable habitat for this species is present in the Santa Ana River and throughout much of City Creek within the project area when water is present.

Although the chub and SAS are sympatric, impacts to the species are not the same. The arroyo chub occur in the SAR in higher abundance and throughout a greater geographic range than the SAS. The arroyo chub is not affected to the same degree as the SAS by changes in habitat variables such as substrate composition, food availability, water depth, and velocity. Furthermore, the arroyo chub is a species of special concern, but is not listed under either the federal or state Endangered Species Act. The DEIR concludes that aquatic habitat would benefit from implementation of mitigation measures including the HCP, which includes the chub as a covered species.

Comment CBD-16

The comment states the prescribed microhabitat enhancement efforts in mitigation measure SAS-1 may not be suitable means of mitigation to increase scour and pool formation since previous use of gabions have not worked and boulders/woody debris placed in ineffective locations would be ineffective mitigation that is left up to interpretation by the vague language of the mitigation measure. It is also unclear if Flood Control Districts would allow installation of boulders/woody debris in the river due to potential flooding or downstream damage.

Response to CBD-16

Mitigation Measure BIO-3 commits Valley District to implementing micro-habitat improvements where feasible and allowed by the San Bernardino County Flood Control District. Based on field observations in the portion of the river proposed for this activity (within the project's area of impacts) Valley District believes that strategic placement of woody debris or boulders will produce the desired scour and pool and riffle formation. This is primarily due to the firm layer of rock substrate typically less than 12 inches below the sand surface that will prevent features from sinking below the substrate surface. In contrast, the OCWD gabions were placed in areas of greater than 6 feet of shifting sands. However, the OCWD project did show that even temporary, localized scour is an attractant to sucker and will be utilized by the species as available. Valley District believes multiple areas of microhabitat availability strategically placed in conjunction with available spawning habitat, would be beneficial to the species. The project is committed to maintaining a level of microhabitat availability, as negotiated in consultation with the Service, in perpetuity to offset the potential impacts of permanent reduced flow. Valley District will design the microhabitat features in coordination with the Flood Control District to ensure the project does not impair the flood capacity of the channel or pose a threat while providing benefit to regional goals and objectives for public trust resources. The improvements would be one component in a broader mitigation strategy. The DEIR concludes that attempts to improve habitat conditions in the river would be an improvement on existing conditions.

Please also see Reponses to Comments USFWS-3, USFWS-8, and USFWS-9.

Comment CBD-17

The comment states the non-native predator control in Mitigation Measure SAS-2 is limited to the upstream reach of the affected river segment, which is not clearly defined, and does not include

predator control downstream. The comment suggests a comprehensive measure for treatments both upstream and downstream should be included.

Response to CBD-17

Mitigation Measure BIO-3 provides for predator control as one component in a broader mitigation strategy. The project is committing to management of exotic predators in perpetuity within the area of the project's impacts and will meet success criteria developed in consultation with the Wildlife Agencies. Although Valley District supports predator control downstream of the project area, at this time its focus is on project-related impacts and measures to reduce the associated effects. Valley District fully expects the SAR HCP will implement a larger predator control program in the river as part of the large-scale conservation strategy. The DEIR concludes that implementation of predator control in the river segment below the RIX discharge would result in a habitat improvement compared to existing conditions.

Comment CBD-18

The comment states that weed abatement prescribed in Mitigation Measure SAS-3 must be systematically implemented from the top of the watershed to the bottom to effectively reduce weeds, since exotic plants will continue to re-infest downstream reaches resulting in an ongoing weed problem, and the measure needs to identify a goal for exotic reduction and triggers for action if exotics reappear.

Response to CBD-18

Mitigation Measure BIO-3 provides for invasive plant removal as one component in a broader mitigation strategy. The DEIR concludes that implementation of invasive plant removal in the river segment below the RIX discharge would result in a habitat improvement compared to existing conditions. The project is committing to management of exotic weeds in perpetuity within the area of the projects impacts and will meet success criteria developed in consultation with the Wildlife Agencies. Although Valley District supports upper watershed management of exotic weed, at this time its focus is on project-related impacts and measures to reduce the associated effects. Valley District fully expects the SAR HCP will implement a larger exotic weed control program in the river as part of the large-scale conservation strategy. The mitigation provides the opportunity for routine weed removals in the river segment that currently receives no management.

Comment CBD-19

The comment supports keeping the water in the Rialto Channel cool enough for Santa Ana sucker and other aquatic fauna as mentioned in Mitigation Measure SAS-5. However, water temperature and quantity should both be triggers for augmentation in Rialto Channel. The comment also states that revegetation of the channel above Agua Mansa would provide additional habitat and reduce heating of the pumped groundwater.

Response to CBD-19

Mitigation Measure BIO-3 does not include modifications to the Rialto Channel for water temperature and augmentation. However, the proposed activity is under consideration as part of the long-term SAR HCP conservation strategy.

Please see Response to Comment USFWS-11.

Comment CBD-20

The comment states Mitigation Measure SAS-6 needs to clarify the goals and success criteria of the translocation plan and the translocated fish should not be considered an experimental population under the ESA.

Response to CBD-20

Mitigation Measure BIO-3 provides for participation in a SAS relocation program as one component in a broader mitigation strategy. The DEIR concludes that participation in a relocation program would result in benefits to the SAS compared to existing conditions. The relocation effort would be managed in consultation with USFWS and would be complementary to efforts underway by Valley District in support of the Upper SAR HCP. The HCP will articulate success criteria envisioned for the translocation which is an ambitious, long-term project with multiple challenges, but with the potential for becoming a key component of the species' recovery plan. The reintroduced population will not be considered experimental under Section 10(j) of the ESA. Valley District fully expects the population to establish and contribute to the ultimate recovery of the species.

Comment CBD-21

The comment is requesting the Biological Assessment, discussed in Mitigation Measure BIO-1 pertaining to Endangered Species Act permitting, be provided as an appendix to the DEIR to provide more specific data on the existing resources with potential for impact and clear avoidance, minimization, and mitigation to reduce or eliminate the impact.

Response to CBD-21

The Biological Assessment will be timely submitted to the USFWS in connection with its formal consultation process, following the certification of the FEIR and approval of the proposed project.

Comment CBD-22

The comment is requesting clarification of the project description and impact analysis of the proposed pipeline that traverses City Creek at 5th and Greenspot Road, continuing east to some undisclosed terminus.

Response to CBD-22

The Figure 2-5 has been modified to show that the treated water conveyance alternative would traverse City Creek in order to discharge to the creek from the eastern edge. The revised Figure 2-5 is included in Chapter 12.

Comment CBD-23

The comment states the District needs to carefully consider the need to divert water from the Rialto Channel through the three separate projects since the cumulative effect of these three projects (SNRC, City of Rialto, and the Clean Water Factory Project) could cause a catastrophic decline in water levels in the Santa Ana River to support a variety of species. The comment urges Valley District and the participating Cities to safeguard against the extirpation of the Santa Ana sucker, as well as wildlife agencies implementing measures to protect the species.

Response to CBD-23

The project would not divert water from the Rialto Channel. Rather the project would reduce the discharge from the RIX facility to the SAR, downstream of the Rialto Channel. The DEIR recognizes the cumulative impact of reduced discharges in the SAR. The DEIR concludes that cumulative impacts to SAS would be significant and unavoidable. The DEIR notes that Valley District is currently preparing the Upper SAR HCP as a means of addressing cumulative impacts to SAS on a regional scale and ensuring the long-term persistence of the species in the Santa Ana River watershed. Through a regional multi-stakeholder approach, the SAR HCP will develop and implement a multi-faceted, large-scale conservation strategy, with appropriate financial assurances to guarantee management in perpetuity that will provide resiliency and redundancy to the sucker population and ultimately aide in recovery of the species. The proposed SNRC project would be a covered activity in the HCP.

Comment Letter – Local Agency Formation Commission for San Bernardino County (LAFCO)

Comment LAFCO-1

The comment states that there is no information addressing the greater control over costs.

Response to LAFCO-1

The DEIR does not evaluate the cost of the project since cost is not an environmental impact of this recycled water supply project. However, project costs are included in the Update of the Recycled Water Feasibility Study 2015. As the responsible decision makers, the Valley District Board of Directors will consider project costs when considering approval of the project, which will occur as a separate action from the certification of the EIR.

Comment LAFCO-2

The comment states that on page 1-2 the reference to East Highland and Highland should be one and the same.

Response to LAFCO-2

The comment correctly identifies an error. The following modifications have been made on page 1-2:

> ***San Bernardino Valley Municipal Water District***
>
> Valley District was formed in 1954 as a regional water supply agency with a service area that covers about 353 square miles in southwestern San Bernardino County and a population of about 660,000. Its enabling act includes a broad range of powers to provide water, groundwater replenishment, storm water and wastewater treatment and disposal, recreation, and fire protection services. Valley District is a water wholesaler, delivering imported and local water supplies to local water retailers. Valley District contracts with the State Water Project (SWP) to provide imported water to the region and also manages groundwater storage within its boundaries, which include the cities and communities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Bloomington, Highland~~, East Highland~~, Mentone, Grand Terrace, and Yucaipa.

Comment LAFCO-3

The comment states that on Page 1-2 the description of the District's service area should clearly identify that it primarily serves the City of Highland

Response to LAFCO-3

The comment identifies an appropriate clarification to page 1-2. In response to the comment, the text of the Introduction has been modified as follows:

> ***East Valley Water District***
>
> EVWD was formed in 1954 to provide domestic water service to the unincorporated and agricultural-based communities of Highland and East Highlands, which were incorporated in 1987 as the City of Highland. Today, EVWD primarily serves the City of Highland. As the population of the area has increased, these agricultural demands have been replaced by municipal demands. EVWD has built a water system to meet the growing municipal demands and currently serves a population of approximately 101,000. EVWD delivers 18 million gallons per day (MGD) of potable water from three sources: Bunker Hill Groundwater Basin provides 90 percent, Santa Ana River (SAR) water provides 9 percent, and SWP water provides 1 percent.
>
> Groundwater is pumped from the Bunker Hill Groundwater Basin through a series of 18 EVWD-owned wells. Surface water supplies are treated at the 8 MGD Philip A. Disch Surface Water Treatment Plant (Plant 134), which is owned and operated by EVWD. In addition, EVWD also operates and maintains the sanitary sewer collection system within its service area. Currently, the collection system conveys approximately 6 MGD of untreated wastewater to the City of San Bernardino via the East Trunk Sewer, where it is treated at the San Bernardino Water Reclamation Plant and RIX facility.

Comment LAFCO-4

The comment states that on Page 1-4 the issue of the location of the East Valley Water District (EVWD) wells relative to the recharge sites is not addressed. The comment requests additional information regarding the benefits to be received by EVWD from the projects.

Response to LAFCO-4

The proposed project does not include any new extraction wells. The project would recharge recycled water to augment the regional water supply and assist with managing the groundwater basin. Valley District proposes the project for the water benefits it will provide to the region, including EVWD.

EVWD will receive the benefit of additional water supply reliability, which is difficult to quantify given the quantity of water already in storage in the groundwater basin. However, this is clearly a benefit because operating a groundwater basin in a sustainable fashion is the chief goal of California's new groundwater legislation. Moreover, because the SNRC facility will be able to treat wastewater with better technology than the current treatment processes, EVWD ratepayers will directly benefit from reduced costs once the facility comes on line (Appendix J includes the Update of the Recycled WaterFeasibility Study, 2015). Finally, there is a regional benefit from the manner in which Valley District has structured the project and the mitigation to balance water

supply reliability with the needs of threatened and endangered species. As noted by the USFWS, the proposed mitigation strategy that will be implemented if the project is approved charts a course towards the recovery of the Santa Ana sucker, and will provide a valuable model that can be emulated by other water projects in the San Bernardino Valley. (Please see Response to Comment USFWS-1.) Implementation of the project is thus expected to help streamline the formation of mitigation measures for and approval of other regional water projects that may be proposed in the future.

Comment LAFCO-5

The comment states that Figure 1-2 on Page 1-5 does not provide a legend for the lines on the map.

Response to LAFCO-5

In response to the comment, a legend has been added to Figure 1-2. The figure is reproduced in Chapter 12: Clarifications and Modifications.

Comment LAFCO-6

The comment states that Figure 2-1 on Page 2-2 does not show the location of Rialto well pumps.

Response to LAFCO-6

The existing groundwater wells that are proposed to be refurbished are shown on Figure 2-7g.

Comment LAFCO-7

The comment states that on Page 2-13 there is no explanation of what will happen during a larger storm. The comment also states that there is no explanation as to where the excess flow would drain.

Response to LAFCO-7

The SNRC would be designed with MBR technology to accommodate peak flows that enter the collection system during storm events. Furthermore, the Draft EIR notes on page 2-14 that the Administration Center would include retention ponds to capture stormwater on site.

Comment LAFCO-8

The comment states that there is no information about who owns the four existing groundwater wells and if they have current outlets to the Santa Ana River (SAR). The comment states that there is no information on what groundwater basin they will draw from or the current status of the basin.

Response to LAFCO-8

As shown in Table 2-9, approval would be required from the City of Rialto for the use of the groundwater wells. The wells are located within the Riverside Arlington groundwater subbasin as shown on Figure 3.9-2. The DEIR recognizes on page 3.9-24 that the use of supplemental water from the wells in Rialto would lower groundwater levels locally. The DEIR notes that the SAR is a losing stream in the initial 6,000 feet below the Rialto Channel and the water introduced into the channel would percolate back into the ground through the river bed. Furthermore, the use of the wells is consistent with their past uses. The DEIR concludes on page 3.9-24 that the use of the existing wells would not significantly lower groundwater levels relative to baseline conditions.

Comment LAFCO-9

The comment states that there is no information related to the length of the new 24" SAR pipeline to the existing Rapid Infiltration Extraction (RIX) discharge pipeline. The comment states that there are no operational scenarios for SAR deliveries to RIX or pumping and delivering of groundwater to SAR for mitigation. The comment states that estimates of future mitigation scenarios should be provided.

Response to LAFCO-9

The SAR Pipeline is described on page 2-24 and Figure 2-7f. The SAR Pipeline would be refurbished from Alabama Street to the SBWRP, a distance of approximately 5.27 miles. A bypass pipeline of approximately 2,500 feet would be constructed to connect the SAR pipeline with the SBWRP's discharge connection to RIX. The DEIR addresses the construction and operational impacts of this project component. Operational scenarios for the use of the SAR Pipeline and supplemental water will depend on the need for water to be discharged into the SAR. A minimum flow in the river has not been established (please see response to comment CDFW-1). Therefore, Mitigation Measure BIO-3 provides a mechanism to introduce supplemental water into the river during warm periods to reduce temperature. The DEIR concludes on page 3.9-24 that any contribution would be an improvement over the existing condition, and the wells would be functioning as designed. The SAR Pipeline would be used until the HCP or HMMP is fully implemented.

Comment LAFCO-10

The comment states that on Page 3.3-13 the "San" in the text "City of San Highland" should be removed. The comment states that this error appears in other parts of the DEIR.

Response to LAFCO-10

The comment identifies a typographical error in the DEIR. The following modifications have been made on page 3.3-13:

City of Highland General Plan

The City of ~~San~~ Highland General Plan Air Quality Element contains various policies to address citywide air quality issues. The following are relevant to the proposed project:

Comment LAFCO-11

The comment states that on Page 3.3-14 "City of San Highland" should be replaced with "City of Redlands."

Response to LAFCO-11

The comment identifies a typographical error in the DEIR. The following modifications have been made on page 3.3-14:

City of Redlands General Plan

The City of ~~San Highland~~ Redlands General Plan Air Quality Element contains various policies to address citywide air quality issues. The following are relevant to the proposed project:

Comment LAFCO-12

The comment states the installation of the facility may not be suitable for the location due to "potential modes for failure of the facility."

Response to LAFCO-12

Impacts from hazardous materials involved with the implementation of the proposed project are analyzed in Chapter 3.8. The proposed project would require preparation of a Hazardous Materials Business Plan and must comply with all notification requirements of storing chemicals onsite as stated on pages 3.18-14 and 3.18-15. The facility would not store acutely hazardous materials or have the potential to result in hazardous air emissions. Accordingly, the DEIR concludes that impacts involving hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste would be less than significant. The SNRC would be designed with MBR technology to accommodate peak flows that enter the collection system during storm events. The DEIR complies with CEQA guidelines and the proposed project would comply with all safety and building regulation to prevent facility failures.

Comment LAFCO-13

The comment states that there is no analysis of release of any of the chemicals and causes of releases to adjacent land uses.

Response to LAFCO-13

The DEIR addresses and analyzes the hazards of the potential for chemical releases on page 3.8-14. The DEIR concludes that the storage, handling, and transport of chemicals used for treatment would comply with regulations and would therefore pose low risk to the local community.

Comment LAFCO-14

The comment states that there is no evaluation of consistency with a treatment plant and the adjacent land uses.

Response to LAFCO-14

The DEIR evaluates compatibility of the proposed treatment plant with neighboring land uses in the aesthetics section, air quality section, land use section, noise section, population and housing section, public services and utilities section and traffic section. As noted on page 3.12-11 the proposed project would benefit the local community through providing community open space and a community meeting facility. Furthermore, the Administration Center of the proposed project is compliant and consistent with the Business Park designation as explained on page 3.10-10.

Please see Response to Comment Highland-1.

Comment LAFCO-15

The comment states that the statement “water infrastructure” is flawed due to the fact the facility is primarily a wastewater treatment facility.

Response to LAFCO-15

As discussed on page 3.10-10, the DEIR concludes that the Government Code sections 53091 and 53095 exempt the project from local building and zoning laws. Government Codes section 53091 states that the county or city zoning ordinances “shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water”. The SNRC treatment facility is proposed to produce, generate, store, and treat water. Further, the SNRC administrative facility is a consistent, allowable public facilities use expressly authorized by the City of Highland’s Municipal Code Chapter 16.24 and in accordance with the City of Highland’s existing business park land use zoning and general plan designations.

Please see Response to Comment Highland-1.

Comment LAFCO-16

The comment suggests the environmental justice discussion is flawed on Page 3.12-11. The comment states that an evaluation of future operational costs to the minority and low income residents of the city of San Bernardino should be provided.

Response to LAFCO-16

Environmental justice concerns the disproportionate impacts of a proposed project on the health or physical environment of minority and low income populations. The DEIR does not evaluate the cost of the project since cost is not such an impact. Project costs may be independently viewed in the Update of the Recycled Water Feasibility Study 2015. The EVWD ratepayers, including the 8,350 connections located in the City of San Bernardino, can expect reduced future costs as a result of the project. No other residents of the City of San Bernardino will bear any of the project's operational costs. As the responsible decision makers, the Valley District Board of Directors will consider project costs when considering approval of the project, which will occur as a separate action from the certification of the EIR.

Please see Response to Comment SBMWD-2.

Comment LAFCO-17

The comment states that a detailed discussion of the effects on costs to EVWD's customer's needs to be included.

Response to LAFCO-17

The DEIR does not evaluate the cost of the project since cost is not an environmental impact. Project costs are included and may be independently viewed in the Update of the Recycled Water Feasibility Study 2015. As the responsible decision makers, the Valley District Board of Directors will consider project costs when considering approval of the project, which will occur as a separate action from the certification of the EIR. The Feasibility Study concluded that implementation of the project would result in lower rate increases in the future compared with the No Project condition (Feasibility Study, Table 11-6). The estimated capital and O & M costs were developed based on a survey of similar facilities that utilize Membrane Bioreactor (MBR) technology to achieve tertiary/Title 22 treated water quality standards. A data base of approximately 25 recent treatment plants utilizing MBR technology was compiled, with the capital cost for each facility adjusted to the local/current Engineering News Record Construction Cost Index. In addition, the reuse of recycled water would present a substantial regional water supply benefit to water customers of the region through groundwater recharge in the Bunker Hill Groundwater Basin.

Comment LAFCO-18

The comment states that reference to East Highland and Highland should be one and the same.

Response to LAFCO-18

The comment correctly identifies error on page 3.13-4. The following modification has been made in response to this comment:

> Valley District covers about 353 square miles and serves a population of 660,000 in southwestern San Bernardino County; it includes the cities and communities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Bloomington, Highland, ~~East Highland,~~ Mentone, Grand Terrace, and Yucaipa (Valley District, 2015).

Comment LAFCO-19

The comment states that the text "Local Area Formation commission…" should be corrected to "Local Agency Formation Commission."

Response to LAFCO-19

The comment correctly identifies error on page 3.13-5. The following modification has been made in response to this comment:

> The City of Redlands provides drinking water to the Redlands and Mentone areas; the water utility service area generally coincides with the area designated by the Local Agency ~~Area~~ Formation Commission (LAFCO) as the City and its sphere of influence.

Comment LAFCO-20

The comment states that the text identifies wastewater treatment as a "critical public demand" but that this is not accurate since treatment is already provided, and the need is for additional water.

Response to LAFCO-20

The DEIR notes on page 3.13-13 that wastewater treatment is a "critical public service" that is currently being provided at the SBWRP and that the proposed project would meet existing and future demands. As correctly stated in the comment, the proposed project would provide water supply benefits.

Comment LAFCO-21

The comment states that modifications should be made due to the fact that the wastewater treatment project will result in significant impacts.

Response to LAFCO-21

The DEIR explains that the project would construct a new wastewater treatment plant and evaluates the impacts of the proposed wastewater treatment facility throughout Chapter 3. As stated in Impact 3.13-3, wastewater generated during construction would be minimal and the environmental analysis of operational impacts for each environmental resource is sufficiently performed throughout the DEIR. Thus the conclusion of less than significant is correct.

Comment LAFCO-22

The comment states that the analysis of cumulative hydrology impacts should include an evaluation of all upstream agency plans for reductions in flows into the Prado Basin. The comment suggests a survey of all water/wastewater management agencies located upstream of Prado Dam to evaluate the cumulative impact of potential water withdrawals from the Santa Ana River.

Response to LAFCO-22

Please see Responses to Comments OCWD-2 and CBD-23.

Comment LAFCO-23

The comment states that there is no data to substantiate the conclusion that the Redlands Basins have sufficient capacity to accommodate both discharges.

Response to LAFCO-23

The City of Redlands commissioned a study of the recharge capacity of its recharge basins that determined the recharge capacity of the basins to be approximately 6 feet per day. With a recharge area of approximately 35 acres, the total recharge capacity of the Redlands basins is estimated to be 210 acre-feet per day, which is approximately 69 MGD. This 69 MGD is well in excess of the potential combined contributions of 10 MGD from the SNRC and the full capacity of the City of Redlands wastewater treatment plant.

Comment LAFCO-24

The comment states that several of the alternatives were rejected due to proximity to residential development; therefore this consideration should also apply to the project site.

Response to LAFCO-24

The DEIR describes several alternative locations for the treatment plant that were rejected from further consideration based on several factors. Each of the alternative locations is described on page 6-4. The proximity to residential neighborhoods was not a constraint that caused the rejection of any of the alternatives. The elevation of the EVWD Headquarters alternative would result in significantly increased energy usage and risk of spills, thereby rendering this alternative infeasible.

Comment Letter – Mentone Area Community Association (MACA)

Comment MACA-1

The comment states that there is no mention of the proposed SBVMWD wastewater treatment plant project in the Harmony Specific Plan Environmental Impact Report. The comment states the lack of consistency needs to be corrected.

Response to MACA-1

The proposed project would divert the existing wastewater flows in the EVWD service area to the new SNRC. Future flows within the service area would be conveyed to the SNRC as well. The DEIR addresses the environmental impacts of the proposed SNRC project. Valley District is not the lead or a responsible agency for the Harmony Specific Plan or its Environmental Impact Report and cannot direct or require the contents of those documents.

Comment MACA-2

The comment states that the outfall sewer that is necessary to connect the Harmony Specific Plan to the proposed Sterling Natural Resource Center wastewater treatment plant has not been identified.

Response to MACA-2

The proposed project does not include constructing new sewer collection facilities for any new portions of the service area. Because the comment does not address the contents of the DEIR, no further response is available or required.

Comment MACA-3

The comment states that MACA would be interested in having a service review conducted and having sewer service made available in conjunction with the proposed Sterling Natural Resources Center project.

Response to MACA-3

The proposed project does not include constructing new sewer collection facilities for any new portions of the service area. Because the comment does not address the contents of the DEIR, no further response is available or required.

Comment Letter – SoCal Environmental Justice Alliance (SEJA)

Comment SEJA-1

The comment states that the DEIR is deeply flawed with respect to project description, analysis of impacts, alternatives, and cumulative impacts and should be recirculated.

Response to SEJA-1

The comment is a summary of comments to follow. See responses to comments SEJA-2 through SEJA-70.

Comment SEJA-2

The comment states that the DEIR does not explain how much water will be conveyed to each of the discharge location alternatives.

Response to SEJA-2

The proposed project would divert the full wastewater flow from the EVWD service area, currently a 6 MGD flow. As detailed on pages 2-5 and 2-6 of the DEIR, the project proposes to convey the treated water to one or more of the three recharge locations, and water may also be conveyed to the Santa Ana River Pipeline, as described and analyzed in detail throughout the document. The FEIR includes results of the groundwater modeling of the three recharge locations in Appendix I.

Comment SEJA-3

The comment states that it is impossible to tell why Valley District is the Lead Agency.

Response to SEJA-3

The DEIR describes why Valley District is the CEQA Lead Agency in Section 1.2.2. The DEIR states that Valley District, acting as the regional water supply agency with the requisite regional expertise and the authority to provide water supply, groundwater replenishment, storm water and wastewater treatment and disposal services within its service area, is the agency that has initiated the SNRC project for its regional recycled water supply benefits. Those benefits include recharge of the Bunker Hill Groundwater Basin and reduced reliance on imported water through development of a local drought-proof supply. The wastewater of EVWD will be treated at the SNRC. EVWD is located entirely within Valley District's service area, and its customers are also ratepayers of Valley District.

Comment SEJA-4

The comment requests clarification for the purpose of the SAR Pipeline component of the project.

Response to SEJA-4

The SAR Pipeline component is described in Section 2.4.4 of the DEIR. The DEIR describes on page 2-27 that with the SAR Pipeline discharge component, "treated water may be discharged to the SAR at RIX for short periods to ensure adequate river flows if needed for environmental benefits." Essentially, this project component provides for back-up assurance that river flows can be maintained at existing levels until biological mitigation measures have been successfully approved and implemented sufficiently to mitigate significant impacts to aquatic resources within the SAR below the RIX discharge. Maintenance of the aquatic resources in the SAR will require regional cooperation and coordination, and this component increases operational flexibility of the regional water resource.

Comment SEJA-5

The comment points out an error in Table 2-8: annual biosolids truck trips should be 600, with annual total truck trips at 740. The comment also states that elsewhere in the DEIR a total of 5 truck trips per day is assumed.

Response to SEJA-5

As stated on page 2-33 of the DEIR, the proposed project would generate an average of fewer than 2 biosolids haul trips per day, totaling approximately 600 trips per year. The total of 600 biosolids truck trips was used in the air emissions calculations as shown on page 5 of Appendix B. The comment correctly identifies an error in Table 2-8. In response to this comment, Table 2-8 on page 2-33 of the DEIR has been corrected to show that total annual truck trips would be approximately 720, with biosolids truck trips constituting 600 of those trips.

TABLE 2-8
OPERATIONAL TRUCK TRIPS

Purpose	Number of Truck Trips per Year
Chemical Deliveries	14
Screenings and Grit Disposal	104
Biosolids Removal	600
Total	718 (say 720)

SOURCE: Valley District, 2015

In response to the comment the following change has been made to the last paragraph on page 3.15-7. This change reflects the accurate number of trips and reduces the number analyzed in the section such that the change does not affect the impact conclusion:P

> ~~Approximately 5~~An average of fewer than 2 biosolids haul trips per day would be generated at the facility.

Comment SEJA-6

The comment suggests that the DEIR does not evaluate the potential for an aesthetic impact of scenic vistas toward the mountains since Figure 3.1-11 does not show the view toward the mountains.

Response to SEJA-6

Photo 1 in Figure 3.1-1a shows the San Bernardino Mountains in the background and confirms the conclusion that the mountains are sufficiently far from the SNRC facility such that the facility will not obscure scenic vistas. The DEIR recognizes that the City of Highland Conservation and Open Space Element specifies the goal of preserving views including the San Bernardino Mountain ridgeline. Although the new facility would introduce structures that would block long-range views from the immediate proximity, the buildings would be consistent with urban development land uses and would not affect existing long-range views. The DEIR properly concludes on page 3.1-11 that the proposed project would not alter views of this scenic resource.

Comment SEJA-7

The comment states that the haul trips should be considered in the localized air quality impact assessment.

Response to SEJA-7

As noted on page 3.3-19 localized air impacts are focused on local receptors and therefore are only concerned with emissions within close proximity of certain local receptors. This precludes mobile trips that produce emissions further than 1,000 feet from the site. The DEIR complies with SCAQMD guidelines for conducting localized impact analysis using its Localized Significance Thresholds (LST) (page 3.3-30). The DEIR does assess mobile emissions for all vehicle trips associated with construction and operation under Impact 3.3-2 (page 3.3-21) which evaluates project emissions using SCAQMD approved regional emissions thresholds.

Comment SEJA-8

The comment notes that the air emissions calculations assumed 25 employees per day whereas the DEIR states that only 5 employees would be necessary.

Response to SEJA-8

The DEIR air emissions calculations for operational worker commute trips assume a more-conservative 25 workers per day. This provides for a more conservative analysis.

Comment SEJA-9

The comment states that the project is not consistent with the City of Highland General Plan and is therefore not consistent with the Air Quality Management Plan that relies on the assumptions of the local land use assumptions.

Response to SEJA-9

The DEIR examines specific policies contained in the City of Highland General Plan and concludes on page 3.10-11 that the proposed project is substantially consistent with and is also, as a water treatment facility, exempt from that General Plan. Furthermore, the DEIR describes the applicable air quality standards on page 3.3-21 and bases its conclusions on those standards, finding that the project is consistent with regional population, housing, and employment forecasts. The proposed project would not induce unplanned growth as explained on page 5-4 of the DEIR. Therefore, the project is consistent with the AQMP irrespective of the SNRC site zoning or General Plan land use designation.

Please also see Response to Comment Highland-1.

Comment SEJA-10

The comment suggests that air emissions should be evaluated as stand-alone emissions and that the project should not be considered one that will reduce emissions at RIX.

Response to SEJA-10

The emissions calculations provided in Tables 3.3-6 through 3.3-12 evaluate the project's emissions as stand alone emissions without providing any emission reduction credits from the reduced treatment that will be provided by SBWRP and RIX. The statement in the DEIR referred to in the comment explains that the analysis conducted in the DEIR is a conservative approach.

Comment SEJA-11

The comment states that prolonging or phasing construction activities would avoid significant daily emissions impacts.

Response to SEJA-11

The SCAQMD significance thresholds listed in Table 3.3-5 are daily emissions thresholds. The daily project emissions estimates provided in Table 3.3-7 utilize a worse-case scenario whereby construction activities for multiple components would occur simultaneously during a single day. The analysis provides for a conservative assessment of potential impacts that may be significant. As the comment points out, significant construction emissions could be avoided in every situation through reduced productivity and a prolonged construction schedule. However, the EIR concludes that construction emissions would be significant and unavoidable since delaying construction activities is impractical and simply prolongs and extends the daily impact over time of not only air emissions, but also other construction related impacts such as noise and traffic.

Comment SEJA-12

The comment takes issue with the SCAQMD methodology for assessing cumulative impacts and recommends that additional mitigation measures be applied to minimize cumulative impacts.

Response to SEJA-12

The DEIR identifies cumulative projects that would contribute cumulative emissions in Table 4-1. The DEIR also notes on page 3.3-28 that SCAQMD has designated the South Coast Air Basin as being in nonattainment for ozone, PM_{10} and $PM_{2.5}$. Therefore, the DEIR recognizes that the existing air quality is impacted by the region's cumulative emissions and that future projects will contribute to the already significantly impacted air quality. As a result, the DEIR concludes that cumulative impacts to air quality are significant. The DEIR applies the SCAQMD cumulative impact methodology to conclude that NO_x emissions would be cumulatively significant, but contributions of PM_{10} and $PM_{2.5}$ to the cumulative condition would not be considerable based on stated thresholds, and therefore not a significant impact of the project. Other criteria pollutants would be less than significant since the regional air quality is in attainment for those pollutants. This impact assessment methodology is recommended by SCAQMD.

Comment SEJA-13

The comment states that the SCAQMD LST methodology underestimates impacts to local receptors.

Response to SEJA-13

The DEIR utilizes the SCAQMD LST methodology to estimate potential impacts to local receptors because that methodology is widely accepted in this region as one that accurately evaluates such impacts. The significance determination output of the methodology includes assumptions to capture distance variation to receptors. Therefore, although the exposure may be greater at shorter distances, the LST is not exceeded when the methodology is used appropriately. The conclusion of the DEIR is that based on the SCAQMD-recommended methodology, impacts to local receptors from temporary construction emissions would not be significant.

Comment SEJA-14

The comment states that the DEIR should have evaluated risks in addition to cancer risk posed by diesel exhaust.

Response to SEJA-14

The DEIR evaluates potential localized impacts that could result from the emissions of toxic air contaminants including diesel exhaust on page 3.3-32. The DEIR describes that health risk assessments evaluate potential cancer risks over a 70-year period. The DEIR concludes that the two-year construction period is not long enough to warrant concerns from diesel particulate matter exposure from a specific source. Furthermore, the use of diesel powered engines at the

construction site would occur largely during initial phases of the project and would be substantially reduced as the construction progressed. The DEIR concludes that even when using conservative assumptions, the health risk from diesel emissions would be small.

Comment SEJA-15

The comment states that the TAC air emissions associated with the cogeneration equipment should have been included in the air impact analysis.

Response to SEJA-15

Project operation emissions from the process equipment will depend on the equipment used. The DEIR provides an estimate of operational emissions in Table 3.3-10 that includes cogeneration emissions. The estimates are well below the SCAQMD operational significance thresholds. Stationary emissions from process equipment including cogeneration is highly regulated and controlled to protect public health in the immediate vicinity and within the region. As noted on page 3.3-33 of the DEIR, stationary emission sources will require emissions permits through the New Source Review process that imposes rigorous control and monitoring requirements to minimize emissions. The DEIR properly concludes that the potential for TAC emissions to impact public health would be low with the application of emissions controls required by the SCAQMD.

Comment SEJA-16

The comment states that the odor control mitigation measure is inadequate and requests that biosolids haul trucks are enclosed.

Response to SEJA-16

Mitigation Measure AIR-2 requires preparation and implementation of an Odor Impact Minimization Plan that would include odor control system operations plan and performance standards in addition to complaint response protocols. Controlling odors from the biosolids handling process is within the scope of the Plan. The odor control performance standards will include fenceline standards that will be met with operation of the odor control systems over each of the treatment processes. The Plan serves as the management tool to enforce performance standards to ensure that odors do not escape from the facility or during the hauling process.

The Plan will be based on standard industry practices. For instance, haul trucks are always covered with blue tarp as suggested in the comment. Dewatered biosolids from a wastewater treatment plant are typically loaded in a transportation truck through a conveyor system in an enclosed scrubbed facility. Doors are closed when the truck trailer is being loaded. Loading facility is equipped with scrubbers for odor control. Loaded biosolids truck trailers are properly covered with tarp before leaving the facility. Many agencies in California transport the biosolids for long distance transportation without causing any nuisance to the public. As an example, Coachella Valley Water District and many others in Riverside County transport to Arizona.

Comment SEJA-17

The comment states that field surveys should have been conducted for the East Twin Creek Spreading Grounds.

Response to SEJA-17

Since access to the basins was denied by the County Flood Control Agency, field surveys were not conducted within the spreading grounds. However, aerial imagery and past survey data provide substantial information for the types of habitats and habitat values that could be encountered at the site at the time of construction. The DEIR lists the special status plants and wildlife that may be encountered at the site. Furthermore, surveys today at the spreading grounds would have limited value since conditions within the basins change depending on the frequency of their use. Focused surveys to quantify habitat acreage within the basins would be subject to revision at the time of the impact that may be two years or more in the future. The DEIR provides a survey strategy that commits Valley District to quantification of the project effect at the time the effect occurs, and mitigation of the effect through compensation ratios established through consultation with CDFW and USFWS.

Please see also Responses to Comments CDFW-1, USFWS-1, CBD-3, and CBD-6.

Comment SEJA-18

The comment states that Valley District is responsible for mitigating all special status plants not just listed species, that the HCP may not cover all special status species, and that surveys should have been conducted to quantify impacts.

Response to SEJA-18

The types of plant and animal species that could be encountered during the time of the impact are well understood and identified in the DEIR.

The DEIR recognizes that within the impacted areas within City Creek there is the potential for sensitive plant and animal species to occur. For example, construction of the discharge facility within either City Creek or East Twin Creek Spreading Grounds would result in approximately 2,000 square feet of temporary disturbance to RAFSS and approximately 1,000 square feet of permanent disturbance. Once discharged into City Creek, the perennial flow would convert a corridor of the existing mulefat and RAFSS habitat into riparian vegetation. This could impact approximately 1.5 acres of RAFSS in the center of the creek channel. Accordingly, Mitigation Measures BIO-1 and BIO-2 commit Valley District to replacing impacted sensitive habitat that supports sensitive species in consultation with CDFW and USFWS. Furthermore, since conditions within City Creek change over time due to flood events, Mitigation Measures BIO-1 and BIO-2 rightfully commit Valley District to conducting surveys closer to the time of the impact in order to more accurately quantify the project's effect and compensation requirements

In response to the comment, the mitigation has been modified as shown below. Mitigation for sensitive plants will be conducted in consultation with the wildlife agencies either through the Endangered Species Act or other permitting mechanisms such as a streambed alteration agreement for non-listed species. In addition, in response to other comments received on the DEIR, the Mitigation Measures have been refined to expressly require replacement of permanently impacted RAFSS habitat at a ratio no less than 3:1 in consultation with CDFW and USFWS. Valley District is committed to and looks forward to working with the wildlife agencies to develop appropriate compensation for the replacement of RAFSS habitat in City Creek with riparian vegetation:

> **BIO-1: Disturbance to Special-Status Plants**. The following measures will reduce potential project-related impacts to special-status plant species that may occur adjacent to the project site within City Creek to a less than significant level. Potential project-related impacts may result from the construction of the pipeline extension and discharge structure within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds.
>
> e. Prior to the start of construction within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds, a focused botanical survey will be conducted to determine the presence/absence of any of the special-status species with a moderate or high potential to occur. The focused botanical survey will be conducted by a botanist or qualified biologist knowledgeable in the identification of local special-status plant species, and according to accepted protocol outlined by the CNPS and/or CDFW.
>
> f. If a special status ~~state or federally-listed~~ plant species is discovered in a project impact area, informal consultation with CDFW and/or USFWS will be required prior to the impact occurring to develop an appropriate avoidance strategy. Depending on the sensitivity of the species, relocation, site restoration, or other habitat improvement actions may be an acceptable option to avoid significant impacts, as determined through consultation with the resource agencies.
>
> g. If impact avoidance of a state or federally-listed species is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed plant species within the construction area and estimated perennial flow area and prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected plants species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS.

Please also see Responses to Comments CDFW-1, CBD-3, and CBD-6.

Comment SEJA-19

The comment states that surveys and mitigation for wildlife should include all special status species not just listed species.

Response to SEJA-19

The DEIR identifies all sensitive-status wildlife species that have a potential to be impacted by the project. Mitigation Measure BIO-2 presents a mitigation strategy for listed species. In response to this comment the mitigation measure has been expanded to include pre-construction site clearing surveys to remove special status wildlife species from the impact areas prior to construction.

> **BIO-2: Disturbance to Special-Status Wildlife**. The following measures will reduce potential project-related impacts to special-status wildlife species that may occur within disturbed and native habitats, to a less than significant level. Potential project-related impacts may result from construction of the SNRC, construction of the discharge structures within City Creek and other discharge locations, and perennial discharges to City Creek or other discharge locations.
>
> f. Prior to the start of construction within City Creek or other discharge locations, Valley District shall conduct focused surveys within the project impact areas to determine if any state or federally-listed wildlife species (southwestern willow flycatcher, coastal California gnatcatcher, San Bernardino kangaroo rat, and least Bell's vireo) are located within project impact areas. Focused surveys will be conducted by a qualified and/or permitted biologist, following approved survey protocol. Survey results will be forwarded to CDFW and USFWS. If state or federally-listed species are determined to occur on the project site with the potential to be impacted by the project, consultation with CDFW and/or USFWS will be required.
>
> g. If impact avoidance is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed wildlife species within the construction area and estimated perennial flow area and prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected wildlife species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS.
>
> h. Prior to the start of construction of the SNRC building and the recycled water pipeline along 6th Street, focused burrowing owl surveys shall be conducted to determine the presence/absence of burrowing owl adjacent to the project area. The focused burrowing owl survey must be conducted by a qualified biologist and following the survey guidelines included in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If burrowing owl is observed within undeveloped habitat within or immediately adjacent to the project impact area,

avoidance/minimization measures would be required such as establishing a suitable buffer around the nest (typically 500-feet) and monitoring during construction, or delaying construction until after the nest is no longer active and the burrowing owls have left. However, if burrowing owl avoidance is infeasible, a qualified biologist shall implement a passive relocation program in accordance with the *Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans* of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

i. Prior to the start of construction within City Creek, pre-construction site clearing surveys will be conducted of the project impact area within natural habitats. Any special status ground-dwelling wildlife will be removed from the immediate impact area and released in the nearby area.

Please also see Responses to Comments CDFW-1, SEJA-18, CBD-3, and CBD-6.

Comment SEJA-20

The comment states that focused surveys of the burrowing owl and other species should have been conducted and relocation areas identified.

Response to SEJA-20

The DEIR describes the results of initial surveys conducted to identify potential habitat for burrowing owl as required in the burrowing owl survey guidelines. No burrowing owls were observed during the initial surveys. However, in compliance with the survey protocol, Mitigation Measure BIO-2 commits Valley District to conduct the focused surveys required at the time of construction to evaluate precise construction zones once they are identified. If burrowing owls are present and unavoidable, the mitigation measure commits Valley District to following the established relocation protocol in consultation with CDFW.

Please also see Responses to Comment CDFW-1, CDFW-5, CDFW-6, CBD-3, and CBD-6.

Comment SEJA-21

The comment states that mitigation for SBKR could not be achieved through the Upper SAR HCP since it is not yet approved.

Response to SEJA-21

The biological resources site survey conducted over the summer of 2015 (and summarized in Appendix C of the DEIR) identified SBKR habitat and historic sitings within the City Creek impact areas. The DEIR concludes on page 3.4-46 that SBKR may be displaced within the small permanent impacted area in the creek and in the center of the streambed from perennial flow.

To address potential significant impacts to the SBKR, the DEIR includes Mitigation Measure BIO-2 which commits Valley District to direct consultation with CDFW and USFWS for potential impacts to SBKR and other listed species impacted in City Creek. This consultation would be conducted directly and not through the Upper SAR HCP. Valley District is committed to conduct future site-specific surveys and appropriate consultation with CDFW and/or USFWS, the results of which will be used to determine proper mitigation for impacted. Valley District is also committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to species associated with affected alluvial fan habitat, including the SBKR. It is Valley District's goal to provide enhancement of SBKR habitat near the area if appropriate to achieve maximum ecological value to the species, in coordination with the Wildlife Agencies and in accordance with applicable regulations. However, if onsite enhancement is not possible, Valley District will seek to obtain and manage high-quality habitat or an area with the potential to become high quality through additional management adjacent to the impact area and within designated critical habitat. Additionally, Valley District will add to Mitigation Measure BIO-2 a subsection requiring pre-construction trapping and relocation of the San Bernardino kangaroo rat, in accordance with accepted protocol, if determined necessary by the USFWS during the Section 7 consultation process.

Please also see Responses to Comments USFWS-12, CBD-5, CBD-9, CBD-10, and CBD-12.

Comment SEJA-22

The comment states that Mitigation Measure BIO-2 does not address non-listed special status species.

Response to SEJA-22

In response to this comment, Mitigation Measure BIO-2 has been modified as described in Response to Comment SEJA-19.

Comment SEJA-23

The comment suggests an inconsistency in the description of impact to acreage of velocity class.

Response to SEJA-23

The DEIR summarizes the Reduced Discharge Study accurately on page 3.4-48 as follows:

> The study concludes that a diversion of 6 MGD from the Santa Ana River at the RIX discharge would reduce total flow by 18-21 percent, lower water depth in the channel by a maximum of approximately 1.1 inches, reduce the wetted area by 6 percent, and result in an average change in a velocity class of 2 percent (not exceeding 6 percent) of the total channel area. (See Appendix F)

The comment correctly notes that there is a discrepancy previously on page 3.4-45. In response to the comment, the second paragraph on page 3.4-45 has been modified to accurately reflect the Reduced Discharge conclusions and to be consistent with the summary on page 3.4-48:

> The reduction of discharge from RIX will reduce water currently supporting riparian habitats in the Santa Ana River below the RIX discharge point. The reduced discharge study conducted by ESA for the project (ESA 2015b) determined that the diversion of 6 MGD of water from the Santa Ana River will not significantly change the existing conditions within the river pertaining to flow, velocity and sedimentation. As noted on page 8 of the reduced discharge study (**Appendix F**), the reduction of 6 MGD from the RIX discharge would reduce water depth in the channel a maximum of approximately 1.1 inch, reduce the wetted area by 6 percent, and result in an average change in a velocity class of 2 percent (not exceeding 6 percent) of the total channel area. (See Appendix F) ~~and would alter existing flow velocities on average by two percent. This would reduce wetted area by three percent within the upper reach of the reduced discharge study area~~. The stream width would be reduced by ~~three~~ 6 percent, but the riparian vegetation would continue to encroach and hang over the stream channel as under existing conditions. The small reduction in wetted area in the river channel would not significantly affect the vitality of the riparian corridor currently supported by the perennial surface water discharge.

Comment SEJA-24

The comment states that other projects covered by the Upper SAR HCP are not identified as cumulative projects.

Response to SEJA-24

Table 4-1 appropriately identifies and lists those cumulative projects that were known at the time the DEIR was published. The list includes recycled water projects for the City of San Bernardino and Rialto as well as the HCP itself. The DEIR cumulative analysis recognizes that the HCP as it is being developed will include new projects that may not be known at this time. The proposed project would be compatible with the HCP and the cumulative impacts associated with its implementation. The Reduced Discharge Study evaluates potential impacts of reduced flow up to 24 MGD to better understand cumulative reductions as described on page 3.4-63.

Comment SEJA-25

The comment questions whether discharge into City Creek would mitigate for impacts to SAS.

Response to SEJA-25

The DEIR identifies a discharge location within City Creek as a potential method of combining groundwater recharge with riparian habitat creation. The proposed project does not suggest that the introduction of aquatic features in City Creek would mitigate direct impacts of reduced

discharge at RIX. Rather, Mitigation Measure BIO-3 outlines specific measures that would mitigate impacts to SAS.

Comment SEJA-26

The comment asks how funding would be applied to implement the mitigation measures of the HMMP. The comment notes that a discharge permit would be required for discharge into Rialto Creek and asks for additional details on the establishment of SAS in upper reaches of the SAR.

Response to SEJA-26

In adopting the Mitigation Monitoring and Reporting Plan that is inclusive of the mitigation measures identified in the DEIR. Valley District is committing to fund the mitigation. Mitigation is an integral part of the project and is included in the project construction and operational costs. .

As noted in Response to Comment SBMWD-7, Table 2-9 has been updated to acknowledge that a low-threat discharge permit would be required from the RWQCB.

Mitigation Measure BIO-3 includes conservation measure SAS-6 to assist in relocating a SAS population in the upper reaches of the SAR within the San Bernardino Mountains, not within City Creek. The relocation would be conducted in consultation with USFWS under the authority of Section 7 of the Endangered Species Act. The DEIR concludes that the combination of the conservation measures listed in Mitigation Measure BIO-3 would minimize impacts to SAS to the extent feasible.

Comment SEJA-27

The comment states that use of the SAR Pipeline would reduce the discharge reduction impact of the proposed project.

Response to SEJA-27

As stated in the Project Description page 2-32, the SAR Pipeline would provide the flexibility to convey treated water to the RIX facility to augment RIX discharges. The DEIR evaluates a reduced diversion Alternative in Chapter 6. The DEIR concludes that the Reduced Diversion Alternative would meet the project objectives to a lesser degree and would result in less benefit to the SAS as a result of reduced mitigation commitments.

Comment SEJA-28

The comment states that the DEIR did not analyze the impacts of reduced SBKR habitat that would result due to the introduction of water into City Creek.

Response to SEJA-28

The DEIR notes on page 3.4-47 that the perennial flow in City Creek would modify the existing vegetation, increasing habitat for some listed species while slightly reducing SBKR habitat. The DEIR concludes that the use of the creek channel for water-related habitat would not reduce SBKR habitat in the surrounding channel that would require compensation. However, to provide further assurances that any impacts to this habitat will be properly mitigated, Valley District is committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to RAFSS and associated species.

Please see Response to Comments CDFW-1, CBD-5, CBD-9, CBD-10, CBD-11, CBD-12.

Comment SEJA-29

The comment states that the DEIR states that City Creek discharge would provide SAS habitat.

Response to SEJA--29

The DEIR does not conclude that the City Creek discharge would create SAS habitat, but rather riparian and aquatic habitat. The DEIR does not rely on the City Creek segment to support SAS or mitigate direct impacts to SAS.

Comment SEJA-30

The comment disagrees with the conclusion in the DEIR that Critical Habitat would not be adversely modified.

Response to SEJA-30

The DEIR describes potential impacts to Critical Habitat on page 3.4-54. The DEIR concludes that as shown in the Reduced Discharge Study, reduction of 6 MGD from the RIX discharge would not substantially reduce wetted acreage within SAS Critical Habitat. The segment of SAR would continue to provide vital habitat to the listed SAS.

However, due to the currently degraded condition of the SAR habitat and a proposed reduction of constant flow, the DEIR concludes that the impact to the Santa Ana sucker in particular is properly deemed “significant and unavoidable.” At the same time, while the project will eventually reduce river flows, the matrix on page 3.4-52 of the DEIR sets forth measures that address numerous other factors that affect the long-term viability of the SAS. Improving those factors compared to existing conditions will help ameliorate the impacts of the project resulting from reduced flows, in part by creating a buffer against catastrophic events, including periodic dewatering events, which could otherwise result in virtual extirpation of the species absent the commitments Valley District is making.

The DEIR also recognizes that within the impacted areas within City Creek there is the potential for sensitive plant and animal species to occur. For example, construction of the discharge facility

within either City Creek or East Twin Creek Spreading Grounds would result in approximately 2,000 square feet of temporary disturbance to RAFSS and approximately 1,000 square feet of permanent disturbance. Once discharged into City Creek, the perennial flow would convert a corridor of the existing mulefat and RAFSS habitat into riparian vegetation. This could impact approximately 1.5 acres of RAFSS in the center of the creek channel. Mitigation Measures BIO-1 and BIO-2 commit Valley District to replacing impacted sensitive habitat that supports sensitive species in consultation with CDFW and USFWS. In response to comments received on the DEIR, the Mitigation Measures have been refined to expressly require replacement of permanently impacted RAFSS habitat at a ratio no less than 3:1 in consultation with CDFW and USFWS. Valley District is committed to and looks forward to working with the wildlife agencies to develop appropriate compensation for the replacement of RAFSS habitat in City Creek with riparian vegetation.

Please also see Responses to Comments CDFW-1, USFWS-1, USFWS-12, CBD-5, CBD-7, CBD-8, CBD-9, and CBD-10.

Comment SEJA-31

The comment states that focused surveys for plants should have been done and that non-listed species should be included in Mitigation Measure BIO-1.

Response to SEJA-31

As noted in Response to Comment SEJA-18, since conditions within City Creek change over time due to flood events, Mitigation Measure BIO-1 rightfully commits Valley District to conducting surveys closer to the time of the impact in order to more accurately quantify the project's effect and compensation requirements. The types of plant and animal species that could be encountered during the time of the impact are well understood and identified in the DEIR. However, their distribution may change over time, so surveys need to be conducted close to the time of impact. The need to relocate individual plants or provide compensation will depend on how effectively the discharge structures can avoid plants identified during pre-construction surveys, as directed by CDFW and USFWS. Surveys done prior to project approval would not best reflect the impacts that will occur at the time of construction of the project, because there will be lag time between approval and construction and operation of the project as the regulatory process continues. Mitigation Measure BIO-1 has been modified as shown in Response to Comment SEJA-18 to be inclusive of non-listed plant species.

Please also see Responses to Comments CDFW-1, CBD-3, and CBD-6.

Comment SEJA-32

The comment states that BIO-2 does not include non-listed species and that burrowing owl mitigation is inadequate.

Response to SEJA-32

The DEIR identifies all sensitive-status wildlife species that have a potential to be impacted by the project, including the burrowing owl. For example, the DEIR notes on page 3.4-26 that burrowing owl may be encountered at either the SNRC site or discharge locations and, as required in the Burrowing Owl Survey Protocol, the field biologists noted suitable habitat within the project impact areas. Mitigation Measure BIO-2 therefore commits Valley District to conducting focused surveys, closer to the time of construction, which will guide development of a mitigation strategy that will ensure any impact to the burrowing owl is rendered insignificant. The surveys will be conducted in accordance with CDFW-recommended protocols. The results of those future surveys will inform the selection of mitigation measures that will avoid or rectify any impacts to the burrowing owl, potentially including compensation for loss of occupied habitat, establishment of a suitable buffer (typically 500 feet) around nests, monitoring during construction or delaying construction, and, if necessary, passive relocation in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation.

In addition, in response to this comment the mitigation measure has been expanded to include pre-construction site clearing surveys to remove special status wildlife species from the impact areas prior to construction.

Please also see Responses to Comments CDFW-5, CBD-6, SEJA-19 and SEJA-20.

Comment SEJA-33

The comment states that reduction of flow in the SAR below RIX does not contribute to the recovery of the SAS.

Response to SEJA-33

As described beginning on page 3.4-48 of the DEIR, a Reduced Discharge Study was conducted to estimate the impact to hydrology from the reduction of 6 MGD from the RIX discharge. The Study concludes that minor impacts to depth and velocity would be expected. However, the DEIR acknowledges on page 3.4-58 that any reduction in flow could be considered a contribution to increased stress on a listed species and therefore the impact would be significant. The DEIR further concludes within the matrix on page 3.4-52 that the proposed mitigation measures presented by Valley District would provide substantial value to the listed species in all other respects including habitat availability and habitat quality improvements. The DEIR concludes that the benefits provided through the mitigation are consistent with the recovery of the species. Furthermore, the DEIR recognizes that the project would be subject to approval and oversight by the USFWS and CDFW whose mandate it is to effect species recovery. Finally, the HCP being developed for the Upper SAR watershed represents a cooperative regional effort to comprehensively address a multitude of factors that affect SAS survival rates, and will be carried out in strict compliance with Section 10 of the federal Endangered Species Act. Should the HCP not be completed in a timely manner, Mitigation Measure BIO-3 commits Valley District to the preparation and implementation of a Santa Ana sucker (SAS) Habitat Monitoring and

Management Plan (HMMP), which will involve similar activities to the HCP and will be approved by the USFWS and CDFW under their authority to enforce the federal and state Endangered Species Acts. As noted in Mitigation Measure BIO-3 on page 3.4-56 of the DEIR, the project would not reduce discharges to the river until either the HMMP or HCP are approved.

Comment SEJA-34

The comment states that the impact to SAS is not adequately mitigated.

Response to SEJA-34

Please see response to comment SEJA-33. The DEIR fully analyzes impacts to the SAS and proposes extensive mitigation to counter those impacts. The DEIR concludes that the benefits provided through the mitigation measures are consistent with the recovery of the species and in fact substantially improve conditions compared with existing conditions. However, due to the stressed nature of the species, Valley District has adopted a conservative approach and deemed impacts to the SAS significant and unavoidable despite the improvements that will be made to SAS habitat under Mitigation Measure BIO-3.

With respect to the SAS, please also see Responses to Comments CDFW-2, CDFW-3, USFWS-5, USFWS-8, USFWS-10, CBD-16, CBD-17, CBD-18, and CBD-20.

With regard to other species and habitat, please also see Responses to Comments: CDFW-1, CDFW-5, CDFW-6, USFWS-1, USFWS-12 CBD-3, CBD-5, CBD-6, CBD-7, CBD-8, CBD-9, CBD-10, CBD-11, and CBD-12.

Comment SEJA-35

The comment suggests that additional mitigation is needed to mitigate impacts to RAFSS habitat from discharge to City Creek.

Response to SEJA-35

The DEIR recognizes that introduction of perennial flow within City Creek will modify the condition of the creek bed. Riparian habitat will emerge, replacing existing RAFSS scrub within the center of the creek, leaving the wide creek flood plain unaffected. The DEIR concludes that the addition of perennial flows within the creek would contribute to a native ecosystem within an area of overlapping habitat values.

Construction of the discharge facility within either City Creek would result in approximately 2,000 square feet of temporary disturbance to RAFSS and approximately 1,000 square feet of permanent disturbance. Once discharged into City Creek, the perennial flow would convert a corridor of the existing mulefat and RAFSS habitat into riparian vegetation. This could impact approximately 1.5 acres of RAFSS in the center of the creek channel. Mitigation Measures BIO-1 and BIO-2 commit Valley District to replacing impacted sensitive habitat that supports sensitive

species in consultation with CDFW and USFWS. In response to comments received on the DEIR, the Mitigation Measures have been refined to expressly require replacement of permanently impacted RAFSS habitat at a ratio no less than 3:1 in consultation with CDFW and USFWS. Valley District is committed to and looks forward to working with the wildlife agencies to develop appropriate compensation for the replacement of RAFSS habitat in City Creek with riparian vegetation.

In response to comments and to provide further assurances that any impacts will be properly mitigated, and as noted above, Valley District is committed to a 1:1 mitigation ratio for temporary habitat impacts resulting from construction, and a 3:1 ratio for permanent impacts to RAFSS and associated species.

Please see Response to Comment CDFW-1.

Comment SEJA-36

The comment states that non-listed plants are not included in Mitigation Measure BIO-1.

Response to SEJA-36

This comment is addressed above in Response to Comment SEJA-18.

Comment SEJA-37

The comment states that impacts to migratory corridor should be considered significant.

Response to SEJA-37

The DEIR evaluates impacts to migratory corridors on page 3.4-61. The DEIR concludes that the modest change of water depth and velocity imposed by the reduced discharge of 6 MGD would not reduce the viability of the river as a wildlife movement corridor. This is substantively supported in the Reduced Discharge Study. The DEIR states that a similar type of habitat corridor would result if the City Creek discharge point were to be used.

Comment SEJA-38

The comment states that no construction would occur from February through August and that Mitigation Measure BIO-5 is inadequate to ensure the protection of birds during construction.

Response to SEJA-38

Mitigation Measure BIO-5 imposes survey requirements and impact avoidance requirements from February through August, but does not preclude all construction during this period. Furthermore, Mitigation Measure BIO-5 would impose standard impact minimization measure for summer-time construction activities and would be included as conditions of approval in wildlife agencies approvals.

Comment SEJA-39

The comment states that the DEIR should have analyzed cumulative impacts from other projects which might result in future reductions in river discharges.

Response to SEJA-39

The DEIR did in fact evaluate the effects of cumulative discharge reductions in the Reduced Discharge Study as summarized on page 3.4-63 and Figure 3.4-4. The DEIR concludes that cumulative discharge reductions would increase the stress to SAS within the SAR. The Upper SAR HCP is being prepared to address cumulative impacts recognizing the critical nature of the SAR segment below RIX. Mitigation Measure BIO-3 commits Valley District to participating in the Upper SAR HCP. The DEIR concludes that the proposed projects contribution to the cumulative reduction in flow would be significant and unavoidable.

Comment SEJA-40

The comment suggests that an archaeologist should have surveyed the site prior to issuing the DEIR.

Response to SEJA-40

As noted on page 3.5-25, a cultural resources survey was indeed conducted at the SNRC site and treated water conveyance corridors in August, 2015. The DEIR describes in detail the results of the survey. Mitigation Measures CUL-1 through CUL-3 commit Valley District to pre-construction training of construction personnel and others on the site by a qualified archaeologist and to document any resources that may be uncovered during construction.

Comment SEJA-41

The comment states that consultation with Native Americans should have been conducted.

Response to SEJA-41

As described on page 3.4-22, consultation was conducted with Native American groups. Table 3.5-2 summarizes the consultation.

Comment SEJA-42

The comment states that a geotechnical analysis should have been conducted to determine if the site is suitable for construction.

Response to SEJA-42

The DEIR notes on page 3.6-21 that geotechnical investigations would be conducted pursuant to Special Publication 117 to establish the appropriate construction methods and building design

features. This type of investigation would occur as part of the project design. The structures would all be subject to CBC and AWWA structural design standards for the seismic hazards present at the site. The DEIR concludes that the knowledge of the local geology as described on page 3.6-2 through 3.6-8 adequately identifies the potential geologic hazards and that the building standards adequately protect the structure from the potential hazards. The project description identifies the need for some excavation to accommodate the facilities. If final project designs were to require significantly more excavation as suggested in the comment, Valley District as Lead Agency would determine whether additional impact analysis would be required to comply with CEQA requirements.

Comment SEJA-43

The comment states that the DEIR ignores a public safety concern that could result if seismic hazards resulted in failure of the treatment plant.

Response to SEJA-43

The DEIR recognizes on page 3.6-21 that seismic hazards are present in the region and describes how engineering controls through seismic resistant designs would minimize the potential for failure of the facility. The Operational Procedures for all treatment plants include contingencies for emergency situations including seismically-induced emergencies. The SNRC would include emergency design features to ensure that sewage releases would be avoided during emergency conditions.

Comment SEJA-44

The comment states that the DEIR defers the quantification of the potential liquefaction hazard.

Response to SEJA-44

The DEIR notes on page 3.6-21 that geotechnical investigations would be conducted pursuant to Special Publication 117 to establish the appropriate construction methods and building design features. This type of investigation would occur as part of the project design. The structures would all be subject to CBC and AWWA structural design standards for the seismic hazards present at the site. The DEIR concludes that the knowledge of the local geology as described on page 3.6-2 through 3.6-8 adequately identifies the potential geologic hazards and that the building standards adequately protect the structure from the potential hazards.

It is important to note that the threat of liquefaction during a seismic event only occurs where the groundwater table is quite high. The project is located in an area that does not experience high groundwater. .

Comment SEJA-45

The comment states that subsidence should be a potentially significant impact of the project.

Response to SEJA-45

The DEIR notes that subsidence has historically been caused by water extraction activities. The DEIR concludes that the project would not extract groundwater excessively and would instead contribute to elevated groundwater levels that would not induce subsidence.

Comment SEJA-46

The comment states that the DEIR should have evaluated GHG emissions of both the SBWRP and SNRC at full capacity.

Response to SEJA-46

The DEIR evaluates GHG emissions associated with the proposed project on page 3.7-12. The DEIR estimates the project's GHG emissions. The emissions are summarized in Table 3.7-2. The DEIR concludes that impacts would be less than the SCAQMD recommended significance threshold. The DEIR acknowledges that this is a conservative estimate since SBWRP may decrease emissions due to the reduced treatment requirements, but the analysis does not depend on this reduction for its significance conclusions.

Comment SEJA-47

The comment states that the DEIR concludes that the proposed project would not result in handling of hazardous materials near a school.

Response to SEJA-47

The DEIR recognizes on page 3.8-14 three schools within one-quarter mile of the proposed SNRC. The DEIR concludes that the proximity of the schools does not in itself constitute a significant impact of the project since emissions would be controlled and hazardous materials would be handled according to regulations.

Comment SEJA-48

The comment states that the discharge to City Creek would significantly impact water quality since the creek has a MUN designation.

Response to SEJA-48

The DEIR evaluates impacts to surface water quality on page 3.9-21. The DEIR concludes that since the creek is normally dry, existing surface water quality would not be reduced. However, the DEIR recognizes that the Basin Plan-identified Beneficial Uses of the creek segment include Municipal Use. As a result, the DEIR concludes that a discharge permit from the RWQCB will need to take into consideration potential impacts to drinking water prior to discharge. The DEIR points out that from a permitting standpoint, this could occur with a beneficial use designation change or an approval from the California Division of Drinking Water. Nonetheless, from a water

quality impact standpoint, the DEIR concludes that the recharge of recycled water into the ground is consistent with State-wide recycled water policies and local water supply development priorities in a manner that is fully protective of public health.

Comment SEJA-49

The comment states that the discharge to the Bunker Hill Groundwater Basin could significantly impact groundwater quality and suggests that the DEIR should have included an anti-degradation analysis.

Response to SEJA-49

The DEIR evaluates potential impacts to groundwater quality on page 3.9-22. The DEIR concludes that recharge of groundwater with recycled water is allowable under Title 22 of the California Code of Regulations and consistent with state-wide recycled water reuse policies. The DEIR acknowledges that the recharge activities would be subject to compliance with discharge permits from the RWQCB and DDW. The permits will require levels of treatment necessary to ensure that the water quality objectives are met, subject to an anti-degradation analysis. Valley District is currently working with the RWQCB to prepare information needed to conclude the anti-degradation analysis. The DEIR concludes that implementation of the proposed project would require approvals from the RWQCB to ensure consistency with the Basin Plan and protection of groundwater quality and public health. Mitigation Measure HYDRO-2 imposes additional protections to local pumpers through performance standards to ensure impacts are less than significant.

Comment SEJA-50

The comment asks how the potential sediment transport in City Creek was determined to be minor.

Response to SEJA--50

The DEIR describes on page 3.9-24 that the introduction of perennial flow in the City Creek would result in minor amounts of sediment movement. However, the creek bed is subjected to high storm event flows that move large quantities of sediment downstream. In comparison to the major storm events that do much of the river bed sculpting, the much lower velocities expected from the City Creek discharge would be minor.

Comment SEJA-51

The comment states that the DEIR should have identified cumulative reductions in the discharge and determined a plan to maintain minimum flows.

Response to SEJA-51

Table 4-1 of the DEIR lists cumulative projects including proposed recycled water projects. The Final EIR has been augmented at page 4-16 as shown below to further support this conclusion.

> The proposed project would contribute to the cumulative reduction in flows to the SAR that reach Prado Dam and Orange County. As more recycled water projects are implemented in the upper SAR watershed to support local water supply development and sustainable groundwater management practices, less surface water will reach the Prado Basin. However, pursuant to the 1969 Stipulated Judgment, minimum flows to Prado Dam will be maintained to ensure that Orange County receives its appropriative water rights. The cumulative reduction in surface water reaching Prado Dam would not significantly impact local drainage patterns, floodplains, downstream water rights, or surface water or groundwater quality. The cumulative reduction in surface water flows may result in depletion of groundwater levels near Prado that are also subject to local pumping. However, the proposed project would result in increased groundwater levels in subbasins higher in the watershed. The proposed project would support sustainable management of groundwater basins within the entire Upper Santa Ana River Watershed as required under Sustainable Groundwater Management Act and will assist in minimizing long-term cumulative impacts to groundwater.

Comment SEJA-52

The comment suggests that the proposed project is not consistent with the City of Highland's land use designations.

Response to SEJA-52

The DEIR describes on page 3.10-10 that the proposed treatment facility is exempt from local zoning ordinance under Government Code section 53091 and that the proposed administration facility is consistent with the City of Highland's land use designations.

Please also see Response to Comment Highland-1.

Comment SEJA-53

The comment states that noise control features should be required in the DEIR.

Response to SEJA-53

Mitigation Measure NOISE-1 requires that construction contractors provide necessary controls to ensure noise ordinances are met. The measure appropriately allows for the control features to fit the noise impact wherever that may be on the construction site. If noise barriers are needed to meet the noise standard, then the mitigation measure ensures that they will be installed.

Comment SEJA-54

The comment states that there is no indication that the Administration Center will be made available to the public in a manner that benefits the low-income community.

Response to SEJA-54

The DEIR describes the demographic and economic status of the local neighborhood. The DEIR acknowledges that the neighborhood is one of the lowest for median income in the area. The DEIR concludes that the facility will benefit the community through providing open space and community meeting rooms. Valley District is committed to providing this asset to the community including open space features open to the public.

Comment SEJA-55

The comment states that if the habitat in City Creek is needed to participate in the HCP, then what will happen if a discharge permit is not issued.

Response to SEJA-55

The project does not rely on the establishment of habitat in City Creek as mitigation for any impact. The resultant habitat could merely provide incidental habitat benefits. The DEIR evaluates three different treated-water conveyance systems any of which on its own could satisfy the water supply objectives of the project.

Comment SEJA-56

The comment states that the cumulative projects list should have included other recycled water projects rather than just public work projects.

Response to SEJA-56

Table 4-1 lists cumulative projects provided by the planning departments of local cities including currently proposed recycled water projects. The list of projects provides a perspective on planned construction activities that will contribute to cumulative conditions. The project list is an appropriate method for assessing cumulative impacts pursuant to CEQA Guidelines Section 15130. Cumulative air impacts are evaluated on page 3.3-28 in addition to page 4-12.

Comment SEJA-57

The comment suggests that if a project has a less than significant air impact it is not necessarily less than significant at the cumulative impact level.

Response to SEJA-57

The DEIR conclusion methodology is consistent with the SCAQMD's CEQA Compliance Guidelines. Furthermore, pursuant to CEQA Guidelines Section 15130(a)3, CEQA recognizes that a project's incremental contribution to an impact may be considered less than cumulatively considerable even when the cumulative condition is poor.

Comment SEJA-58

The comment states that the DEIR does not quantify the cumulative reduction in SAR flows or the commensurate impact on riparian vegetation. The comment states that the Mitigation Measure BIO-3 does not indicate how long the invasive reductions would occur.

Response to SEJA-58

Please see Responses to Comments CDFW-3, CBD-23, and OCWD-1.

Comment SEJA-59

The comment states that not knowing the quality of the cumulative flow reduction makes an assessment of cumulative impacts difficult.

Response to SEJA-59

The future reduction in discharges is speculative, and depends on many factors including ability to obtain permits for other proposed projects and costs of water recycling. The DEIR makes no assumptions for the ultimate quantity of the cumulative discharge reduction, but rather relies on the Upper SAR HCP to establish a low flow requirement that all recycled water projects combined must exceed. Acting as a cumulative impact mitigation, the Upper SAR HCP will provide the roadmap for species recovery that will include maintaining certain conditions in the river. The HMMP conservation measures have been designed to be complementary to the ultimate HCP requirements, providing project level mitigation that supports the ultimate cumulative mitigation as well.

Comment SEJA-60

The comment states that just because GHG emissions are not significant on their own does not mean they are not cumulatively considerable.

Response to SEJA-60

As noted on page 3.7-11, the GHG emissions impact is by definition a cumulative impact. The DEIR concludes that GHG emissions are less than significant based on a significance threshold recommended for use by the SCAQMD.

Comment SEJA-61

The comment suggests acknowledgement that water supply supports population growth.

Response to SEJA-61

The DEIR does acknowledge on page 5-5 that the project would remove an obstacle to growth that would result in significant and unavoidable secondary effects of growth already identified by local planning jurisdictions. The DEIR concludes that these impacts would result in a significant and unavoidable effect of the project.

Comment SEJA-62

The comment requests the total amount of water to be discharged at the identified discharge locations.

Response to SEJA-62

The DEIR evaluates three distinct discharge location alternatives. Valley District intends to construct one or more of these alternatives to receive the full projected 10 MGD of flow, except when water is instead diverted through the SAR Pipeline.

Comment SEJA-63

The comment states that the DEIR evaluates more than 3 Alternatives.

Response to SEJA-63

The comment is correct in pointing out the error on page 6-7 of the document. In response to this comment, the following change has been made to the DEIR:

6.2 Project Alternatives

Five ~~Three~~ alternatives were selected for detailed analysis. The goal for evaluating these alternatives is to identify alternatives that would avoid or lessen the significant environmental effects of the project, while attaining most of the project objectives. Significant impacts of the project include construction air emissions, construction noise, modification of Santa Ana sucker habitat, and secondary effects of growth.

Comment SEJA-64

The comment states that the alternatives should be different enough to make a difference in the impact analysis for environmental justice. The comment also suggests that cultural resources are not adequately assessed in Alternative 2.

Response to SEJA-64

The DEIR evaluates a reasonable range of alternatives to reduce impacts of the proposed project including a SNRC location alternative (Alternative 2). The location for the Alternative 2 property is constrained by the need to be low in the watershed. As a result, it is in close proximity to the proposed project. Nonetheless, the alternative minimizes potentially significant impacts of construction to the immediate neighborhood. CEQA does not require that alternatives be evaluated exhaustively. Although no cultural resource survey was conducted for the Alternative 2 site, the area was included in the literature search area and known cultural sites near it are included in the Cultural Report.

Comment SEJA-65

The comment states that the Reduced Capacity Alternative (Alternative 3) is not adequately described or analyzed.

Response to SEJA-65

Alternative 3: Reduced Treatment Capacity Alternative is described on page 6-10. The Alternative reduces the size of the construction effort and ultimate energy use, truck trips, and chemical usage. However the alternative does not avoid any significant impacts of the proposed project and reduces the benefits of the project.

Comment SEJA-66

The comment suggests that the Reduced Capacity Alternative (Alternative 3) would reduce biosolids truck trips and would create an obstacle to growth.

Response to SEJA-66

The comment is correct that the Alternative would result in slightly fewer biosolids truck trips than the proposed project, but not enough to reduce any significant impacts. Furthermore, although the reduced capacity could pose a limit to growth that would reduce some significant effects of growth, it would also increase some significant impacts of growth including water supply and wastewater treatment requirements.

Comment SEJA-67

The comment states that the location of the Plunge Creek Alternative has not been identified and is therefore difficult to evaluate. The comment asks how much water would be conveyed to this location.

Response to SEJA-67

The project would convey the full 6 MGD of water to the Plunge Creek Basins under this alternative. The Wash Plan refers to the San Bernardino Valley Water Conservation District's

Upper Santa Ana River Wash Land Management Plan. Since the project would be located in an area designated in the Wash Plan for open space, the DEIR concludes that it would result in greater land use impacts.

Comment SEJA-68

The comment states that the Reduced Diversion Alternative is confusing and that the difference could be significant to the SAS.

Response to SEJA-68

The Reduced Diversion Alternative would treat all effluent from the EVWD service area, which is currently 6 MGD, and provide 3 MGD to RIX through the SAR Pipeline. The alternative would reduce the significant impact to the SAS, but would still result in a significant impact to the SAS since even a 3 MGD reduction would contribute stress to the listed species under the same impact assessment methodology made for the proposed project.

Comment SEJA-69

The comment states that despite another alternative, the DEIR improperly concludes the project is the environmentally superior alternative. The comment also states that there is no viable habitat for SAS in City Creek, nor can it be created.

Response to SEJA-69

The comment misunderstands the rationale for concluding that the project would be the environmentally superior alternative. The DEIR concludes that the mitigation provided by the proposed project in addition to the water supply benefits makes it environmentally superior. However, the benefits provided by Mitigation Measure BIO-3 do not include the creation of riparian habitat in City Creek, but rather a list of immediate habitat improvements below RIX and other actions. The City Creek discharge is not provided as mitigation for any project impact.

Comment SEJA-70

The comment states that security of the SNRC has not been described, potential hazards assessed, or processes described.

Response to SEJA-70

The DEIR describes the SNRC site security on page 2-14, evaluates potential hazards in Section 3.8, and describes treatment processes in section 2.4.1.

Comment Letter – Anthony Serrano (Serrano)

Comment Serrano-1

The comment expresses concern that there are no cost estimates for the proposed project listed in the Draft EIR and states this is required pursuant to Public Resources Code section 21001(g).

Response to Serrano-1

The DEIR does not list or evaluate the cost of the project because cost is not an environmental impact. Public Resources Code section 21001(g) does not set forth the requirements for the contents of an EIR, but is a statement of policy requiring consideration of qualitative, economic, and technical factors, long-term benefits and costs, short-term benefits and costs, and alternatives to proposed actions affecting the environment. This policy is amplified by Public Resources Code section 21002.1, which states that the purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

Public Resources code section 21061 specifies that the purpose of an EIR is to provide public agencies and the public in general with detailed information "about the effect which a proposed project is likely to have on the environment" and to address mitigation of those impacts and potential alternatives to the proposed project. Lead Agencies are directed to consider economic costs "in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR."

Sections 15120-15132 of the CEQA Guidelines outline the contents required of EIRs. Section 15131 makes clear that a Lead Agency may but need not include economic information in an EIR, or may present this information in whatever form the agency desires, shall not treat economic effects of a project as significant effects on the environment, and must reserve the focus of its analysis for physical changes to the environment. As an EIR need not include information regarding the costs of a project, the absence of this information cannot render the DEIR inadequate.

Costs of the proposed SNRC project are, however, included in the Update of the Recycled Water Feasibility Study 2015. As the responsible decision makers, the Valley District Board of Directors will consider project costs when considering approval of the project, which will occur as a separate action from the certification of the EIR.

Comment Serrano-2

The comment states that the Harmony Project in the City of Highland is supposed to be connected to the proposed project according to the commenter's conversation with the City of Highland Director of Community Development, but the Draft EIR does not include any provisions for this connection.

Response to Serrano-2

The proposed project would divert the existing wastewater flows in the EVWD service area to the new SNRC. Future flows within the service area would be conveyed to the SNRC as well. The project does not propose constructing new sewer collection facilities for the Harmony Project or any future connections in the service area. Because the comment does not address the project or the contents of the DEIR, no further response is available or required.

Comment Serrano-3

The comment expresses concern that there is no reference in the DEIR to the water pollution caused by Lockheed Martin.

Response to Serrano-3

The DEIR recognizes that the Bunker Hill groundwater basin is compromised by legacy contamination on page 3.9-6. Figure 3.9-3 shows the known locations of the contamination plumes from both the Norton Airforce Base and from testing operations in Mentone that are referred to in the comment. The DEIR concludes that the groundwater recharge operations would avoid impacting these plumes.

Comment Serrano-4

The comment further expresses concern that the old Lockheed Martin propulsion company polluting Bunker Hill Basin and Mill Creek spreading grounds is not addressed as an issue in the DEIR and that there is no mitigation plan to prevent further contamination of the proposed project.

Response to Serrano-4

Please see Response to Comment Serrano-3

Comment Serrano-5

The comment states that the DEIR fails to address the issues associated with the Lockheed groundwater basin contamination and the status of this problem.

Response to Serrano-5

Please see Response to Comment Serrano-3

Comment Letter – Fred Yauger

Comment Yauger-1

Fred Yauger supports implementation of the Sterling Natural Resource Center.

Response to Yauger-1

The comment is noted for the record and no response to comment is necessary.

Comment Letter – Anthony Serrano 2 (Serrano 2)

Comment Serrano 2-1

The comment provides background, summarizes the contents of the letter and the commenter's concerns, and requests additions to and recirculation of the DEIR.

Response to Serrano 2-1

The contents of the comment letter are addressed below and in the Responses to Comments Serrano 1-5. Valley District notes that this comment letter was received before the hearing on the certification of the EIR, but after the close of the public comment period. Although Valley District is not required to respond to untimely comments, it has prepared these responses for inclusion in the FEIR.

Comment Serrano 2-2

The comment references Public Resources Code section 21001(g) and Section 15088.5(a)(4) of the CEQA Guidelines, and states that the DEIR did not include any cost information.

Response to Serrano 2-2

Please see Response to Comment Serrano-1.

Comment Serrano 2-3

The comment states that the DEIR does not disclose the EVWD lawsuits against the San Bernardino International Airport Authority.

Response to Serrano 2-3

Litigation between EVWD and SBIAA is not part of the proposed project, is not an environmental impact of the proposed project, and is not one of the "physical environmental conditions" that must be included in the description of the baseline environmental setting. Accordingly, the litigation is not required to be addressed in the EIR, and so the absence of this information does not affect the adequacy of the EIR. Moreover, the litigation referenced in the comment concerned property unrelated to the SNRC parcels, has been resolved through settlement by the parties, and the settlement agreement has no impact on the proposed SNRC project.

Figure 2-1 of the DEIR depicts the location of the proposed SNRC site in relation to the SBIA, and Chapter 3.8 of the DEIR notes that the project site is located approximately one half mile southeast of the San Bernardino International Airport, within the SBIAA's Influence Area (pages 3.8-4, 3.8-6). Chapter 3.11 of the DEIR identifies airports and aircraft overflights as existing sources of noise. It concludes that temporary noise impacts resulting from construction will be

significant and unavoidable, that operational noise will be less-than-significant, and that the project's noise impacts are not cumulatively considerable.

Comment Serrano -.4

The comment states that there is no disclosure of the old and ongoing Lockheed Propulsion Co. plumes of trichloroethylene and plumes of perchlorate.

Response to Serrano 2-4

The DEIR recognizes that the Bunker Hill groundwater basin is compromised by legacy contamination on page 3.9-6. Figure 3.9-3 shows the known locations of the contamination plumes, including plumes of perchlorate, from both the Norton Airforce Base and from testing operations in Mentone that are referred to in the comment. The DEIR concludes that the groundwater recharge operations would avoid impacting these plumes.

Comment Serrano 2-5

The comment states that the DEIR did not disclose the Mid-Valley landfill plume or perchlorate located in Rialto.

Response to Serrano 2-5

The Mid Valley Landfill contamination plume is located in Rialto near the SR-210 within the Rialto-Colton Subbasin shown in Figure 3.9-2. The supplemental Rialto wells would be located near RIX overlying the Riverside-Arlington Subbasin. The contamination plume referred to in the comment letter is too far from the project components to impact water quality at the project's Rialto wells.

Comment Serrano 2-6

The comment states that there is no disclosure of Governor Brown's signing of S.B. 88 in 2015, and asks if savings can be achieved by reducing the number of water agencies.

Response to Serrano 2-6

The Senate Bill 88 authorizes the SWRCB to order consolidation of water districts under certain limited circumstances. The enactment of S.B. 88 has no bearing on the environmental impacts of the proposed project. Valley District is not being considered for consolidation at this time, and any suggestion that Valley District will be consolidated at some future date under this legislation is entirely speculative. Accordingly, the EIR need not address S.B. 88. In addition, CEQA does not require analysis of hypothetical cost savings that could be achieved by reorganization of other agencies, or analysis of unrelated rate increases proposed by other agencies.

Please see Response to Comment Serrano-1.

Comment Serrano 2-7

The comment states that there is no disclosure of EVWD's decision to close down Plant 150 operations during October 2015 and asks how this will affect water supply to the project.

Response to Serrano 2-7

The Plant 150 project was proposed to remove contamination from certain wells and was deemed infeasible after an evaluation of the water resources in the EVWD's Water System Master Plan. The Plant 150 project will not affect water supply for the SNRC project.

Comment Serrano 2-8

The comment notes that the City of Highland proposes Mello-Roos funding for the proposed Harmony Project and inquires whether pending A.B. 1666 will impact funding for the project.

Response to Serrano 2-8

The proposed project would divert existing flows from the EVWD service area to the SNRC. Connections to other proposed projects, including the proposed Harmony Project, are not under consideration, and so funding for such other proposed projects has no effect on the proposed project. The DEIR, which evaluates the potential physical impacts to the environment from the proposed project, is not required to address funding sources for other projects.

Comment Letter – Anthony Serrano Emails

Comment Serrano Emails-1

The comment includes corresponds between the commenter and the San Bernardino International Airport Authority regarding unrelated settled litigation.

Response to Serrano Emails-1

The comment does not address the contents of the EIR. No further response is therefore available or necessary.

Comment Serrano Emails-2

The comment includes correspondence between the commenter and Kamron Saremi regarding groundwater contamination.

Response to Serrano Emails-2

Regarding the Lockheed contamination, please see Responses to Comments Serrano-3 and Serrano-2.4. The comment does not otherwise address the contents of the EIR. No further response is necessary.

Comment Serrano Emails-3

The comment provides information regarding State Board funding for recycled water projects and notes that Valley District and EVWD are not listed as recipients of funding.

Response to Serrano Emails-3

The comment does not address the contents of the EIR. No further response is therefore available or necessary.

CHAPTER 12
Clarifications and Modifications

12.1 Introduction

The following clarifications and revisions are intended to update the Draft EIR in response to the comments received during the public review period. These changes, which have been incorporated into the Draft EIR, constitute the Final EIR, to be presented to the Valley District Board of Directors for certification and approval. These modifications clarify, amplify, or make insignificant changes to the EIR. Revisions to the EIR have not resulted in new significant impacts or mitigation measures or increased the severity of an impact. None of the criteria for recirculation set forth in the CEQA Guidelines section 15088.5(a) have been met, and recirculation of the EIR is not required.

CEQA Guidelines Section 15088.5(a):

(a) A Lead Agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification…"Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revisions compiled in this Chapter do not constitute "Significant new information" noted in Section 15088.5(a)(1) since no new sigwnificant environmental impacts have been identified following the publication of the Draft EIR. Although new mitigation measures have been added based on input from commenters to ensure impacts remain less than significant, these new measures would not in and of themselves result in significant impacts nor do they represent that a

new impact was identified. Rather, the measures provide for greater assurance of less than significant impacts.

The revisions compiled in this Chapter do not constitute "Significant new information" noted in Section 15088.5(a)(2) since none of the modifications would result in a substantial increase in impacts already identified. Rather, the revisions are designed to further reduce the potential for significant impacts.

The revisions compiled in this Chapter do not constitute "Significant new information" noted in Section 15088.5(a)(3) since no new alternatives have been identified that would clearly lessen impacts.

Finally, the revisions compiled in this Chapter do not constitute "Significant new information" noted in Section 15088.5(a)(4) since the EIR is not fundamentally and basically inadequate and conclusory in nature. The EIR compiles information available at the time of publication to assist in evaluating the values and risks of moving forward with a Permit compliance program.

12.2 Clarification and Modifications

The changes to the Draft EIR are listed by section and page number. Text which has been removed is shown in this chapter with a strikethrough line, while text that has been added is shown with an underline. All of the changes shown in this section have also been made in the corresponding Final EIR sections. The addition of the cumulative impact conclusions shown as underlined in Table ES-1 do not reflect new conclusions, but rather that the conclusions from Chapter 4 have been compiled into the table, since they were inadvertently left off the table in the Draft EIR. Please refer to Chapter 11, *Responses to Comments*, for referenced comment letters and corresponding comments.

See next page showing entire Table ES-1 containing Mitigation Measure refinements.

TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE STERLING NATURAL RESOURCE CENTER

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
Aesthetics			
3.1-1: The project would have a significant impact if it would have a substantial adverse effect on a scenic vista.	None required	Less than Significant	Not applicable
3.1-2: The project could have a significant impact if it would substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	None required	No Impact	Not Applicable
3.1-3: The project would not substantially degrade the existing visual character or quality of the site and its surroundings.	**AES-1:** Aboveground buildings/structures associated with the proposed SNRC shall be designed to be consistent with the aesthetic qualities of existing structures in the surrounding area to minimize contrasting features. **AES-2**: During project design, a landscape plan shall be prepared for the SNRC that restores disturbed areas and minimizes effects to local character. Valley District shall implement and maintain the landscape plan.	Significant	Less than significant
3.1-4: The project would not have a significant impact due to substantial light or glare which would adversely affect daytime or nighttime views in the area.	None required	Less than significant	Not applicable
Agriculture and Forestry Resources			
3.2-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use	None required	No Impact	Not applicable
3.2-2: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.	None required	No Impact	Not Applicable
3.2-3: The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland zoned Timberland Production.	None required	No Impact	Not Applicable

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
3.2-4: The project would not result in the loss of forest land or conversion of forest land to non-forest use.	None required	No Impact	Not Applicable
3.2-5: The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.	None required	No Impact	Not Applicable
Air Quality			
3.3-1: The project could conflict with or obstruct implementation of the applicable air quality plan.	None required	Less than significant	Not applicable
3.3-2: The project could violate any air quality standard or contribute substantially to an existing or projected air quality violation.	**AIR-1:** For off-road construction equipment greater than 50 HP, all engines shall be certified as USEPA Tier 3 at a minimum and Tier 4 where available.	Significant	Significant and unavoidable for construction; Less than significant for operations.
3.3-3: The program could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	**AIR-1**	Significant	Significant and unavoidable for NOx emissions
3.3-4: The project could expose sensitive receptors to substantial pollutant concentrations.	None required	Less than Significant	Not Applicable
3.3-5: The proposed program could create objectionable odors affecting a substantial number of people.	**AIR-2:** Valley District shall prepare and implement an Odor Impact Minimization Plan that includes a monitoring and reporting plan. The plan shall include the following elements at a minimum: • Identification of responsible parties • Description of odor control system design and performance standards • Odor control system operations plan • Identification of fence-line odor monitoring and reporting program • Achievable odor remediation actions and implementation protocol • Local community outreach program	Significant	Less than significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
Cumulative Air Quality Impacts	Implement Mitigation Measures AIR-1 through AIR-2	Significant	Significant and unavoidable for short-term impacts
Biological Resources			
3.4-1: Construction and operation of the project could have a substantial adverse effect, either directly or through habitat modifications on plant and wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.	**BIO-1: Disturbance to Special-Status Plants**. The following measures will reduce potential project-related impacts to special-status plant species that may occur adjacent to the project site within City Creek to a less than significant level. Potential project-related impacts may result from the construction of the pipeline extension and discharge structure within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds. a) Prior to the start of construction within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds, a focused botanical survey will be conducted to determine the presence/absence of any of the special-status species with a moderate or high potential to occur. The focused botanical survey will be conducted by a botanist or qualified biologist knowledgeable in the identification of local special-status plant species, and according to accepted protocol outlined by the CNPS and/or CDFW. b) If a special status ~~state or federally listed~~ plant species is discovered in a project impact area, informal consultation with CDFW and/or USFWS will be required prior to the impact occurring to develop an appropriate avoidance strategy. Depending on the sensitivity of the species, relocation, site restoration, or other habitat improvement actions may be an acceptable option to avoid significant impacts, as determined through consultation with the resource agencies. c) If impact avoidance of a state or federally-listed species is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed plant species within the construction area and estimated perennial flow area and prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected plants species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS. d) Permanent impacts to RAFSS habitat from construction and operation of the discharge including within the City Creek channel resulting from perennial flow shall require on-site replacement or off-site compensation at a ratio of at least 3:1 in consultation with CDFW and USFWS. Temporary impacts to	Significant	Significant and unavoidable for modifications to Santa Ana sucker habitat. Less than significant with mitigation for other impacts

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	RAFSS habitat would be mitigated at a ratio of at least 1:1 in consultation with CDFW and USFWS. **BIO-2: Disturbance to Special-Status Wildlife**. The following measures will reduce potential project-related impacts to special-status wildlife species that may occur within disturbed and native habitats, to a less than significant level. Potential project-related impacts may result from construction of the SNRC, construction of the discharge structures within City Creek and other discharge locations, and perennial discharges to City Creek or other discharge locations. a) Prior to the start of construction within City Creek or other discharge locations, Valley District shall conduct focused surveys within the project impact areas to determine if any state or federally-listed wildlife species (southwestern willow flycatcher, coastal California gnatcatcher, San Bernardino kangaroo rat, and least Bell's vireo) are located within project impact areas. Focused surveys will be conducted by a qualified and/or permitted biologist, following approved survey protocol. Survey results will be forwarded to CDFW and USFWS. If state or federally-listed species are determined to occur on the project site with the potential to be impacted by the project, consultation with CDFW and/or USFWS will be required. b) If impact avoidance is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed wildlife species within the construction area and estimated perennial flow area and prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected wildlife species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS. c) Prior to the start of construction of the SNRC building and the recycled water pipeline along 6th Street, focused burrowing owl surveys shall be conducted to determine the presence/absence of burrowing owl adjacent to the project area. The focused burrowing owl survey must be conducted by a qualified biologist and following the survey guidelines included in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If burrowing owl is observed within undeveloped habitat within or immediately adjacent to the project impact area, avoidance/minimization measures would be required such as establishing a suitable buffer around the nest (typically 500-feet) and monitoring during construction, or delaying		

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	construction until after the nest is no longer active and the burrowing owls have left. However, if burrowing owl avoidance is infeasible, a qualified biologist shall implement a passive relocation program in accordance with the *Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans* of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (CDFW, 2012). d) Prior to the start of construction within City Creek, pre-construction site clearing surveys will be conducted of the project impact area within natural habitats. Any special status ground-dwelling wildlife will be removed from the immediate impact area and released in the nearby area. e) Permanent impacts to RAFSS habitat from construction and operation of the discharge including within City Creek channel resulting from perennial flow shall require on-site replacement or off-site compensation at a ratio of at least 3:1 in consultation with CDFW and USFWS. Temporary impacts to RAFSS habitat would be mitigated at a ratio of at least 1:1 in consultation with CDFW and USFWS. **BIO-3: Disturbance to Santa Ana Sucker**. The following measures will reduce potential project-related impacts to avoid, minimize, and compensate for impacts to Santa Ana sucker while contributing to the long-term conservation of the species. a) The diversion of wastewater flow to the new SNRC shall not occur until either the Upper Santa Ana HCP has been fully executed by the USFWS and CDFW or Valley District's SAS HMMP has been approved by the USFWS and CDFW. b) The Valley District will be a signatory to the Upper SAR HCP that will include the proposed project as a covered activity. The HCP will include a menu of projects to be implemented by the signatory agencies that will create habitat, restore habitat, and establish self-sustaining populations in the watershed. The HCP will be approved by the CDFW and USFWS. c) In the event that the Upper Santa Ana River HCP is not approved in time to meet the project schedule, Valley District shall prepare and implement a SAS Habitat Monitoring and Management Plan (HMMP) that identifies habitat improvement actions, implementation methods, monitoring, and maintenance methods. The HMMP will consist of measures listed below to offset direct and indirect impacts to the Santa Ana sucker and its habitat resulting from the loss of 6 MGD of discharged water. The HMMP will be implemented by a contracted, qualified and permitted entity such as the Riverside-Corona Resource Conservation District (RCRCD) in coordination with the USFWS and CDFW. The HMMP will		

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	identify the goals and performance criteria of each conservation measure and will identify annual reporting and work forecasting requirements. The HMMP will be approved by the USFWS and CDFW under their authority to enforce the federal and state Endangered Species Acts. The proposed diversion of 6 MGD from the RIX discharge will not occur until the HMMP has been approved by USFWS and CDFW. The HMMP will include the following elements. • **SAS-1: Microhabitat Enhancements.** The HMMP will identify microhabitat enhancements within the upstream reach of the affected river segment using natural materials to increase scour and pool formation. This could include placement of large boulders and/or large woody debris to increase velocity of flow and gravel bar patches as well as deep pool refugia areas. • **SAS-2: Aquatic Predator Control Program.** The HMMP will include an Aquatic Predator Control Program to be implemented within the upstream reach of the affected river segment that will target and remove exotic fish, amphibians, and reptiles immediately prior to the SAS spawning season. • **SAS-3: Exotic Weed Management Program.** The HMMP will include an Exotic Weed Management Program targeting the removal of non-native species such as tamarisk, castor bean, tree of heaven, etc. The HMMP will include an annual maintenance and performance goal for non-native plant removal within the upper reach of the affected river segment. • **SAS-4: High Flow Pulse Events.** The HMMP will identify means to create high flow pulse events as needed based on substrate conditions, up to 2 times per year. The high flow pulse events would be implemented through a cooperative agreement with the City of San Bernardino Municipal Water Department. • **SAS-5: Supplemental Water.** Valley District will increase habitat availability in Rialto Channel during the summer months by providing cool supplemental water from nearby groundwater source to lower the water temperature in this tributary. Supplemental water will be added to the Rialto Channel when water temperatures reach 85 degrees. Supplemental water could be pumped groundwater or other water source. The discharge into the Rialto Drain will require a discharge permit from the Regional Water Quality Control Board.		

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	• **SAS-6: Upper Watershed SAS Population Establishment.** The HMMP will outline a plan for establishing a population of Santa Ana sucker in City Creek, or other suitable watershed tributary, in coordination with the Wildlife Agencies. The HMMP will identify measures to directly increase the number of Santa Ana sucker in the SAR population, increase the amount of suitable and occupied habitat in this watershed, and distribute the risk of a catastrophic event between multiple locations. The HMMP will identify the goals and success criteria of the establishment plan and will identify the amount of financial assistance to be provided by Valley District for the regionally-beneficial population establishment program. • **SAS-7: Monitoring.** The HMMP will outline a monitoring program to collect hydrology data in the segment of river between the RIX discharge and Mission Boulevard. The data will include flow velocity and depth.		
3.4-2: Construction of the project could result in potential direct and indirect impacts to riparian habitat and other sensitive natural communities identified in local or regional plans, policies, and regulations or by CDFW or USFWS.	**BIO-4: Construction Best Management Practices**. The Contractor shall implement the following Best Management Practices during construction of the pipeline and discharge structure adjacent to and within City Creek to protect any adjacent sensitive natural communities that provide habitat for special-status species. a. The following water quality protection measures shall be implemented during construction: • Stationary engines, such as compressors, generators, light plants, etc., shall have drip pans beneath them to prevent any leakage from entering runoff or receiving waters. • All construction equipment shall be inspected for leaks and maintained regularly to avoid soil contamination. Leaks and smears of petroleum products will be wiped clean prior to use. • Any grout waste or spills will be cleaned up immediately and disposed of off-site. • Spill kits capable of containing hazardous spills will be stored on-site. b. To prevent inadvertent entrapment of common and special-status wildlife during construction, all excavated, steep-walled holes or trenches more than two-feet deep shall be covered with tarp, plywood or similar materials at the close of each working day to prevent animals from being trapped. Ramps may be constructed of earth fill or wooden planks within deep walled trenches to allow for animals to escape, if necessary.	Significant	Less than significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	Before such holes or trenches are backfilled, they should be thoroughly inspected for trapped animals. If trapped wildlife are observed, escape ramps or structures shall be installed immediately to allow escape. All construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods should be thoroughly inspected for burrowing owls and nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved.		
3.4-3: Construction of the project could result in a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA, as well as wetland waters of the State regulated by the RWQCB under the Porter-Cologne Act and also CDFW under Section 1600 of CFG Code, through direct removal of water and hydrological interruption	None required	Less than Significant	Not Applicable
3.4-4: Construction of the project could result in the interference 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.	**BIO-5**: To minimize potential construction-related project impacts to avian species that may be nesting on or immediately adjacent to the project area, the following measures will reduce any potential impact to a less than significant level. a. To avoid potential impacts to birds that may be nesting on or immediately adjacent to the project area, construction of the project should avoid the general avian breeding season of February through August. b. If construction must occur during the general avian breeding season, a pre-construction clearance survey shall be conducted within 30 days prior to the start of construction, to determine if any active nests or sign of nesting activity is located on or immediately adjacent to the project area, specifically at the proposed SNRC location. An additional survey shall be conducted within 3 days prior to the commencement of construction activities. If no nesting activity is observed during the pre-construction survey, construction may commence without potential impacts to nesting birds. c. If an active nest is observed a suitable buffer will be placed around the nest, depending on sensitivity of the nesting species, and onsite monitoring may be required during construction to ensure no disturbance or take of the nest occurs. Construction may continue in other areas of the project and construction activities may only encroach within the buffer at the discretion of the monitoring biologist. The buffer will remain in place until the nestlings have fledged and the nest is no longer considered active.	Significant	Less than Significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
3.4-5: Construction of the project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	None required	Less than Significant	Not Applicable
3.4-6: Construction of the project could conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP.	None required	Less than significant	Not applicable
Cumulative Biological Resources Impacts	Implement Mitigation Measures BIO-1 through BIO-5	Significant	Significant and unavoidable impacts to SAS habitat
Cultural Resources			
3.5-1: The project could have a significant impact if it would cause a substantial adverse change in the significance of a historical or archaeological resource, as defined in *CEQA Guidelines* Section 15064.5.	**CUL-1:** Prior to the start of ground-disturbing activities, Valley District shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out all mitigation related to cultural resources. The qualified archaeologist shall conduct a Phase I survey for all areas within the project impact area that have not received a survey within the last five years, including treated conveyance pipeline corridors. **CUL-2:** Prior to start of ground-disturbing activities, the qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. Valley District shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance. **CUL-3:** In the event of the unanticipated discovery of archaeological materials, Valley District shall immediately cease all work activities within approximately 100 feet of the discovery until it can be evaluated by the qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with Valley District on the significance of the resource. If it is determined that a discovered archaeological resource constitutes a historic property under the NHPA or a historical or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the	Significant	Less than Significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Treatment Plan shall be prepared and implemented by a qualified archaeologist in consultation with Valley District that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. Valley District shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered.		
3.5-2: The project could have a significant impact if it would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	**CUL-4:** Paleontological resources monitoring shall be conducted for the proposed SNRC in areas that are subject to excavations in excess of 15 feet below ground surface. Paleontological monitoring shall be conducted by a qualified paleontological monitor (QPM). The QPM, in consultation with the Valley District, may reduce or increase monitoring based on observations of subsurface soil stratigraphy or other factors. If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work, work at the discovery location shall cease within 50 feet of the find until the QPM has assessed the discovery and made recommendations as to the appropriate treatment.	Significant	Less than significant
3.5-3: The project could have a significant impact if it would disturb any human remains, including those interred outside of formal cemeteries.	**CUL-5**: If human remains are encountered, Valley District shall halt work within 100 feet of the find and contact the San Bernardino County Coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the NAHC shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC Section 5097.98 (as amended by Assembly Bill 2641). The NAHC shall designate a MLD for the remains per PRC Section 5097.98. Until the landowner has conferred with the MLD, Valley District shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.	Less than Significant	Not Applicable
3.5-4: The project could have a significant impact if it would cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074.	**CUL-1, CUL-2, CUL-3, CUL-5**	Significant	Less than significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
Geologic and Mineral Resources			
3.6-1: The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault; strong seismic ground shaking; or seismic-related ground failure, including liquefaction or landslides.	None required	Less than significant	Not applicable
3.6-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.	None required	Less than significant	Not applicable
3.6-3: The proposed project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the proposed project and potentially result in on-or off-site landslide, subsidence, or collapse.	None required	Less than significant	Not applicable
3.6-4: The proposed project would not be located on problematic soils such as those characterized as expansive, as defined in 24 CCR 1803.5.3 of the California Building Code (2013), or corrosive.	None required	Less than significant	Not applicable
3.6-5: The proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.	None required	No Impact	Not applicable
3.6-6: The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state or result in the loss of availability of a locally important mineral resources recovery site delineated on a local general plan, specific plan or other land use plan.	None required	Less than significant	Not applicable
Greenhouse Gas Emissions			
3.7-1: The proposed project could generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.	None required	Less than significant	Not applicable
3.7-2: The proposed project could conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.	None required	Less than significant	Not applicable

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
Hazards and Hazardous Materials			
3.8-1: The project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of, or through foreseeable upset and accident conditions involving hazardous materials.	None required	Less than significant	Not applicable
3.8-2: The proposed project could not result in hazardous emission or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	None required	Less than Significant	Not applicable
3.8-3: The project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.	None required	Less than significant	Not applicable
3.8-4: The project would be located within an area covered by an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and could result in a safety hazard for people residing or working in the project area.	None required	No Impact	Not applicable
3.8-5: The project would not be located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area.	None required	No Impact	Not applicable
3.8-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None required	Less than significant	Not applicable
3.8-7: The project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	None required	Less than significant	Not applicable
Hydrology and Water Quality			
3.9-1: The project could violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.	**HYDRO-1**: Valley District will prepare a Water Quality Management Plan (WQMP) to ensure that the SNRC facility design complies with stormwater management goals of the MS4.	Significant	Less than Significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	HYDRO-2: Valley District shall prepare and implement a groundwater monitoring program that includes installation of an array of groundwater monitoring wells sufficient to characterize the effects of the discharge on local groundwater quality. If monitoring shows that beneficial uses of the groundwater may become adversely affected by the discharge, the monitoring program would require either modifications to treatment, modify the well screened area by sealing the affected portion of the screen in the impacted groundwater bearing zone, or compensation for adversely affected groundwater wells through replacement of the affected well or through providing replacement water.		
3.9-2: The project could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.	None required	Less than Significant	Not applicable
3.9-3: The project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation or flooding on- or offsite.	**HYDRO-3:** The City Creek discharge structures shall be designed with velocity dissipation features as needed to prevent scour at the point of discharge. The design and location of these discharge facilities would be approved by the SBCFCD and USACE to ensure that they do not impede high flow capacity. **HYDRO-4:** Valley District shall prepare a City Creek Channel Vegetation Management Plan in coordination with SBCFCD and CDFW that outlines vegetation management measures to minimize impacts to the flood control function within City Creek. The plan will include periodic vegetation trimming to remove large trees that could impact flood control facilities downstream. The plan will outline schedule, permitting and reporting requirements.	Significant	Less than significant
3.9-4: The project would create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	**HYDRO-5:** Valley District shall prepare an Operational Manual for the discharge to City Creek that identifies when discharges would be conveyed to other discharge basins to avoid contributing to flood flows in City Creek during peak flow periods.	Significant	Less than significant
3.9-5: The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	None required	No Impact	Not applicable
3.9-6: The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	None required	Less than Significant	Not applicable

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
3.9-7: The project would not place structures within a 100-year flood hazard area structures which would impede or redirect flood flows.	**HYDRO-3**	Significant	Less than Significant with Mitigation
3.9-8: The project would not result in inundation by seiche, tsunami or mudflow.	None required	No Impact	Not applicable
3.9-9: The change in the point of discharge would not adversely affect downstream beneficial uses including water rights or conflict with the Stipulated Judgment requiring minimum flows for downstream diverters**.**	None required	Less than significant	Not applicable
Land Use and Agriculture			
3.10-1: The project would not physically divide an established community.	None required	No Impact	Not applicable
3.10-2: The project could conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	None required	Less than Significant	Not applicable
3.10-3: The project would not conflict with a habitat conservation plan or natural community conservation plan.	None required	Less than Significant	Not applicable
Noise			
3.11-1: The proposed project could result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	**NOISE-1:** Valley District shall implement the following measures during construction: • Include design measures necessary to reduce construction noise levels to comply with local noise ordinances. These measures may include noise barriers, curtains, or shields. • Place noise-generating construction activities (e.g., operation of compressors and generators, cement mixing, general truck idling) away from the nearest noise-sensitive land uses. • Contiguous properties shall be notified in advance of construction activities. A contact name and number shall be provided to contiguous properties to report excessive construction noise. **NOISE-2:** Noise-generating machinery at the proposed SNRC shall be enclosed within structures that are designed with insulation sufficient to comply with applicable nighttime noise standards at the	Significant	Less than significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	facility fenceline. **NOISE-3:** Valley District shall establish a 24-hour Hot-Line to serve the local community. Valley District shall ensure that neighbor concerns are investigated and addressed immediately. The Hot-Line number shall be provided to the neighboring properties and be posted conspicuously at the entrance to the facility.		
3.11-2: The proposed program could result in exposure of persons to, or generation of, excessive groundborne vibration.	None required	Less than significant	Not applicable
3.11-3: The proposed program could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	**NOISE-2** and **NOISE-3**	Significant	Less than significant
3.11-4: The proposed program could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	NOISE-1	Significant	Significant and unavoidable
3.11-5: For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within 2 miles of a public airport or public use airport, implementation of the proposed program could expose people residing or working in the area to excessive noise levels.	None required	Less than significant	Not applicable
3.11-6: For a project located in the vicinity of a private airstrip, the proposed program could expose people residing or working in the project area to excessive noise levels.	None required	Less than significant	Not applicable
Population, Housing, and Environmental Justice			
3.12-1: The project would not induce population growth in an area, either directly or indirectly.	None Available	Significant	Significant and unavoidable
3.12-2: The project would not have a significant impact if it would eliminate existing dwelling units.	None required	No Impact	Not applicable
3.12-3: The project would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.	None required	No Impact	Not applicable

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
3.12-4: The project could significantly affect the health or environment of minority or low income populations disproportionately.	**AES -1. AIR-2, NOISE – 1, NOISE-2, TR-1**	Significant	Less than Significant
Public Services, Utilities, and Energy			
3.13-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, or other public facilities.	None required	Less than Significant	Not applicable
3.13-2: The project would have a significant impact if it would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	None required	Less than significant	Not applicable
3.13-3: The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	None required	Less than significant	Not applicable
3.13-4: The project would have a significant impact if it would require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects**.**	None required	Less than significant	Not applicable
3.13-5: The project would have sufficient water supplies available to serve the project from existing entitlements and resources.	None required	Less than significant	Not applicable
3.13-6: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments**.**	None required	Less than significant	Not applicable

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
3.13-7: The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	None required	Less than significant	Not applicable
3.13-8: The project would comply with federal, state, and local statutes and regulations related to solid waste.	None required	Less than significant	Not applicable
3.13-9: The project could encounter buried utilities.	**UTIL-1:** During design and prior to construction, Valley District shall verify the nature and location of underground utilities before the start of any construction that would require excavation. Valley District shall notify and coordinate with public and private utility providers at least 48 hours before the commencement of work adjacent to any located utility. The contractor shall be required to notify the service provider in advance of service interruptions to allow the service provider sufficient time to notify customers. The contractor shall be required to coordinate timing of interruptions with the service providers to minimize the frequency and duration of interruptions.	Significant	Less than Significant with Mitigation
3.13-10: Operation of the proposed project would require additional power that could affect local and regional energy supplies.	**UTIL-2**: Valley District shall require the use of energy efficient equipment, including but not limited to, pumps, conveyance features, and lighting for the proposed SNRC and pump stations.	Significant	Less than Significant with Mitigation
Recreation			
3.14-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial deterioration of the facility would occur or be accelerated.	None required	Less than Significant	Not applicable
3.14-2: The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical impact on the environment.	None required	No Impact	Not applicable
Transportation and Circulation			
3.15-1: The project would result in increases in vehicle trips by construction workers, facility operators, haul trucks, and deliveries that could conflict with applicable plans and policies regarding the effectiveness of the circulation system**.**	**Mitigation Measure TR-1:** Valley District shall require the contractor to prepare a traffic control plan that identifies specific traffic control measures to ensure access and safety on the local roadway network. The traffic control plan will include the following elements at a minimum: • A schedule of lane closures and road closures over the construction period • Measures to maintain traffic flow at all times across the construction zone including requiring flaggers to direct traffic	Significant	Less than significant

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	when only one lane of traffic is available • Detour routes and notification procedures if full road closures are needed • Lane closure notifications to the City of Highland, City of San Bernardino and City of Redlands and local emergency services providers • Temporary signalization modifications (if any) for intersection signals • On-road traffic control features and signage compliant with city traffic control requirements • Maintain access to residence and business driveways, public facilities, and recreational resources at all times to the extent feasible; Minimize access disruptions to businesses and residences • Include the requirement that all open trenches be covered with metal plates at the end of each workday to accommodate traffic and access • Identify all roadway locations where special construction techniques (e.g., horizontal boring, directional drilling or night construction) will be used to minimize impacts to traffic flow **Mitigation Measure TR-2:** Valley District shall prepare a notification plan for communication with affected residents and businesses prior to the start of construction. Advance public notification shall include posting of notices and appropriate signage of construction activities. The written notification shall include the construction schedule, the exact location and duration of activities within each street (i.e., which lanes and access point/driveways would be blocked on which days and for how long), and a toll-free telephone number for receiving questions or complaints. **Mitigation Measure TR-3:** Prior to installation of pipelines in East 5th Street, Valley District shall coordinate with the City of Highland to ensure that the proposed East 5th Street curb and drainage improvements are conducted simultaneously with the pipeline installation to avoid impacting the street twice in a short period of time. **Mitigation Measure TR-4:** Valley District shall ensure that deliveries, biosolids haul trips, and worker shift transitions are discouraged during the period of 7:30 to 8:30 AM and 2:30 to 3:30 PM corresponding to peak pick up and drop off times at the high school. **Mitigation Measure TR-5:** Valley District shall design turn-in and turn-out ramps adjacent to 5th Street to accommodate solids haul trips and material deliveries ingress and egress in a manner that ensures safe traffic conditions. Roadway improvements including		

Impacts	Mitigation Measures	Significance before Mitigation	Significance if Mitigation is Implemented
	modifications to the curb shall be approved by the City of Highland Department of Transportation.		
3.15-2: The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	None required	No Impact	Not applicable
3.15-3: The project would not result in a substantial increase in hazards due to a design feature or incompatible uses.	**TR-4**	Significant	Less than Significant
3.13-4: The project would not result in inadequate emergency access.	**TR-1**	Significant	Less than significant
3.13-5: The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities**.**	None required	Less than Significant	Not applicable
Secondary Effects of Growth			
The project would remove an obstacle to growth	None required	Significant	Significant and unavoidable
Cumulative Secondary Growth	None required	Significant	Significant and unavoidable

Section **Chapter 1, Introduction**

Page **Clarification/Revision**

1-2 The following modifications to text have been corrected in, *Introduction* as shown below.

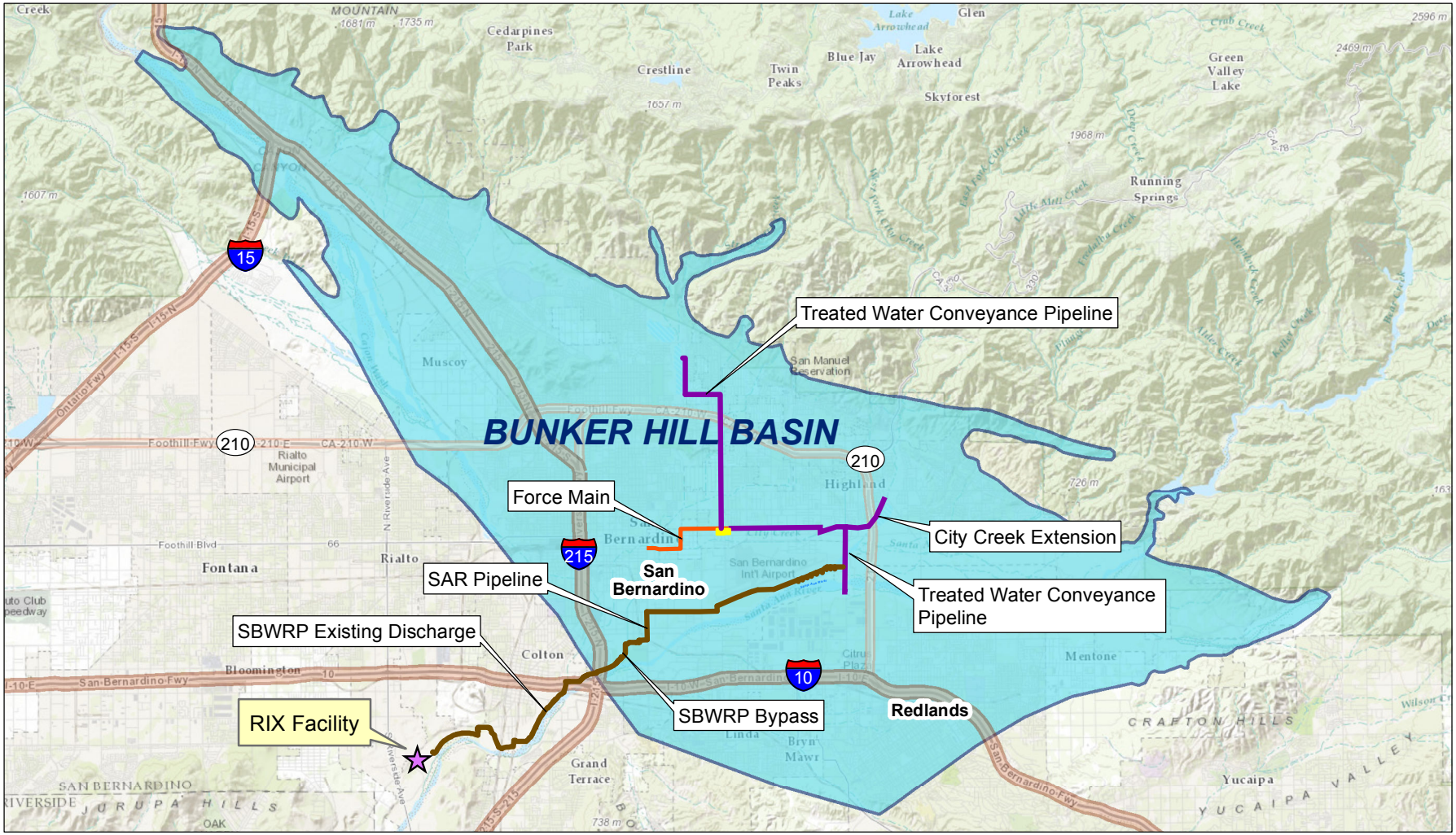
San Bernardino Valley Municipal Water District

Valley District was formed in 1954 as a regional water supply agency with a service area that covers about 353 square miles in southwestern San Bernardino County and a population of about 660,000. Its enabling act includes a broad range of powers to provide water, groundwater replenishment, storm water and wastewater treatment and disposal, recreation, and fire protection services. Valley District is a water wholesaler, delivering imported and local water supplies to local water retailers. Valley District contracts with the State Water Project (SWP) to provide imported water to the region and also manages groundwater storage within its boundaries, which include the cities and communities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Bloomington, Highland~~, East Highland~~, Mentone, Grand Terrace, and Yucaipa.

East Valley Water District

EVWD was formed in 1954 to provide domestic water service to the unincorporated and agricultural-based communities of Highland and East Highlands, which were incorporated in 1987 as the City of Highland. Today, EVWD primarily serves the City of Highland. As the population of the area has increased, these agricultural demands have been replaced by municipal demands. EVWD has built a water system to meet the growing municipal demands and currently serves a population of approximately 101,000. EVWD delivers 18 million gallons per day (MGD) of potable water from three sources: Bunker Hill Groundwater Basin provides 90 percent, Santa Ana River (SAR) water provides 9 percent, and SWP water provides 1 percent.

1-5 Figure 1-2 was revised to include labels that identified the proposed project components.



SOURCE: ESRI

Sterling Natural Resource Center . 150005

Figure 1-2

Bunker Hill Groundwater Basin

Section **Chapter 2, Project Description**

Page **Clarification/Revision**

2-11 Information in regards to the processing of biosolids at RIX facility was corrected to identify the SBWRP instead. The correct text has been updated in Chapter 2, *Project Description*, as shown below.

Biosolids Dewatering and Offloading

Screw presses would be employed for biosolids dewatering. Biosolids, would be hauled offsite either to soil augmentation reuse facilities or to a landfill such as the San Timoteo Landfill for disposal. An offloading facility would be constructed that would convey treated biosolids onto haul trucks. The facility would generate less than five biosolids haul trucks per day on average. The San Timoteo landfill is located approximately 7 miles from the SNRC. Biosolids reuse opportunities such as land application may be utilized in the San Joaquin Valley or Arizona. Truck trips up to 250 miles to Kings County or 300 miles to Arizona may be necessary. Biosolids are currently processed at the SBWRP and reused for composting. ~~This is consistent with current biosolids reuse and disposal activities from the RIX facility.~~

2-16 Figure 2-5 did not show the entire route of the proposed City Creek pipeline and the proposed discharge structure location. It has been modified to show that the treated water conveyance alternative would traverse City Creek in order to discharge to the creek from the eastern edge.

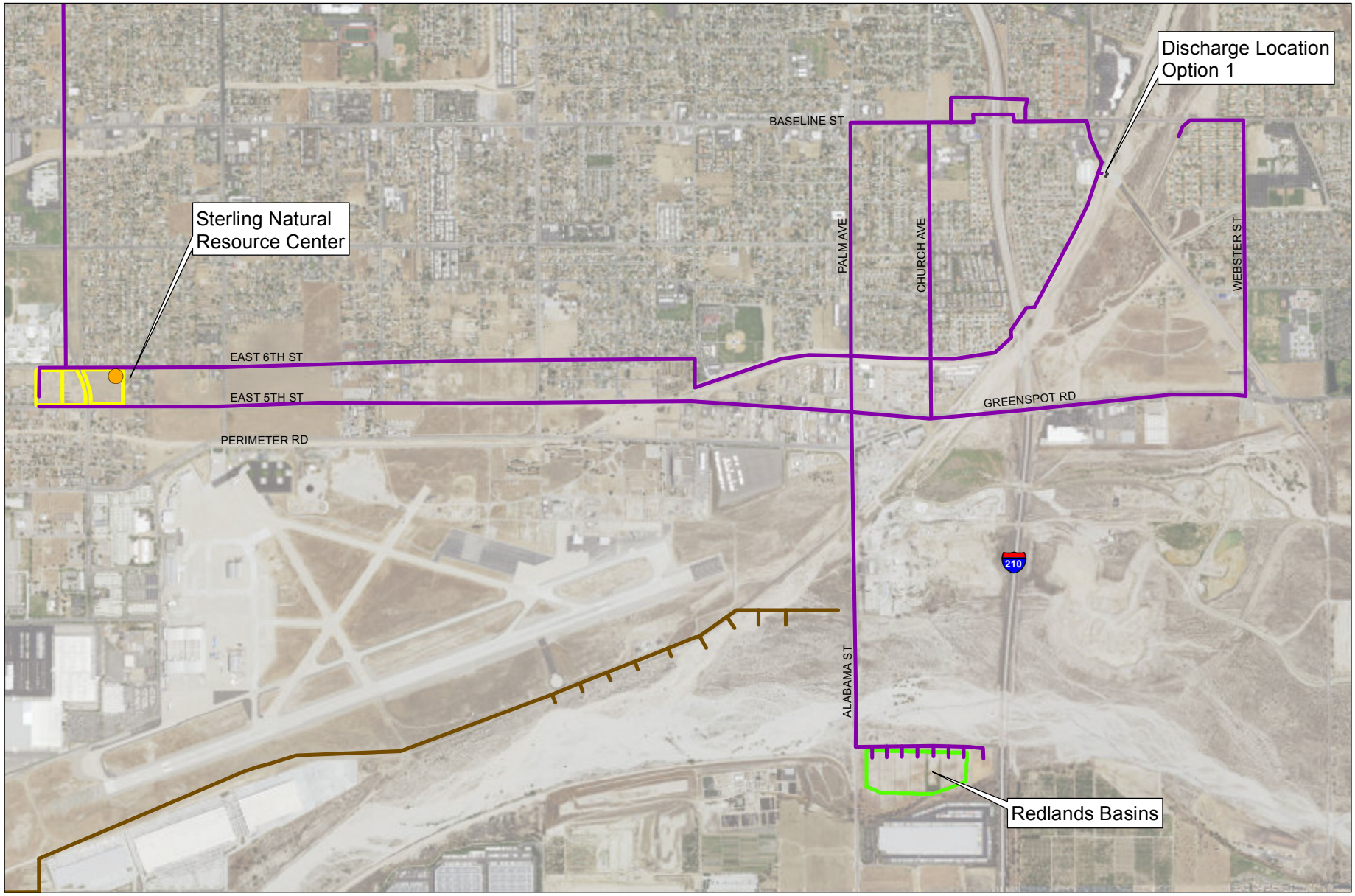
2-33 Table 2-8 did not include the amount of biosolids removal trips mentioned in the text 8. The table and text has been corrected as shown below.

As shown in **Table 2-8** below, it is anticipated that one truck trip per week would be required for screenings removal and one trip per week for grit removal, for a total of 104 truck trips per year. Dewatered biosolids are expected to be hauled offsite daily, and it is estimated that there would be 600 truck trips per year. These operational tasks would contribute approximately 720 truck trips per year.

TABLE 2-8
OPERATIONAL TRUCK TRIPS

Purpose	Number of Truck Trips per Year
Chemical Deliveries	14
Screenings and Grit Disposal	104
Biosolids Removal	600
Total	718 (say 720)

Source: Valley District, 2015



SOURCE: ESRI; San Bernardino County GIS

Sterling Natural Resource Center . 150005

Figure 2-5

Treated Water Conveyance System Pipelines

2-34 Table 2-9 has been modified to include that the use of the supplemental water wells which would require a low-threat discharge permit from the RWQCB. Valley District would be subject to groundwater quality monitoring imposed by the permit.

TABLE 2-9
DISCRETIONARY PERMITS POTENTIALLY REQUIRED

Agency	Permits and Authorizations Potentially Required
Regional Water Quality Control Board (RWQCB)	• National Pollutant Discharge Elimination System (NPDES) for discharge to City Creek • Waste Discharge Requirements (WDR) for groundwater replenishment reuse projects under California Title 22 • SWPPP for inclusion in General Stormwater NPDES Permit for Construction Activities • General Stormwater NPDES for Industrial Facilities • <u>Low Threat Discharge NPDES for supplemental water discharges</u> • 401 Water Quality Certification;
State Water Resources Control Board	• California Water Code Section 1211 Change in Point of Discharge
SBCFCD	• Encroachment permit for discharge facilities • Easement, and/or license agreement for use of recharge facilities
South Coast Air Quality Management District (SCAQMD)	• Permit to operate treatment facility • Permits to operate cogeneration facility and emergency generators
East Valley Water District	• Approval to modify collection system
City of Highland	• Encroachment permit for construction in roadways • Department review permit for Administration Center
City of Redlands	• Encroachment permit for construction in roadways • Approval for use of Redlands Basins
City of San Bernardino	• Encroachment permit for construction in roadways • Approval to re-purpose SAR Pipeline
City of Rialto	• Approval for use of groundwater wells.
Caltrans	• Encroachment permit for construction in roadways and undercrossings
U.S. Army Corps of Engineers	• Clean Water Act Section 404 Permit • 408 Permit (if necessary)
California Department of Fish and Wildlife	• Lake or Streambed Alteration Agreement • Endangered Species Act compliance 2081
US Fish and Wildlife Service	• Endangered Species Act compliance Section 7/Section 10
Federal Aviation Administration	• Notice of Proposed Construction or Alteration

Section **3.3 Air Quality**

Page **Clarification/Revision**

3.3-13 Text that referenced "City of San Highland" included a typographical error and all text that mentioned it were corrected to "City of Highland" The following modifications have been made in the *Air Quality* section.

City of Highland General Plan

The City of ~~San~~ Highland General Plan Air Quality Element contains various policies to address citywide air quality issues. The following are relevant to the proposed project:

3.3-14 A similar typographical error about the City of Highland was identified in the *Air Quality* section. The following modifications have been made:

City of Redlands General Plan

The City of ~~San Highland~~ Redlands General Plan Air Quality Element contains various policies to address citywide air quality issues. The following are relevant to the proposed project:

3.3-27 The following modifications have been made to Table 3.3-10 to demonstrate more accurate operational emissions. Refer to Appendix B for more details.

TABLE 3.3-10 REVISED
PROPOSED PROJECT UNMITIGATED OPERATIONAL EMISSIONS

	Estimated Emissions (lbs./day)					
Emissions Source	**ROG**	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Administration Center						
Area Sources	1.45	0.0001	0.013	0.00	0.00005	0.00005
Energy Sources (Natural Gas)	0.003	0.02	0.02	0.0002	0.002	0.002
Mobile Sources	1.03	3.28	12.06	0.03	1.92	0.54
Subtotal	*2.49*	*3.30*	*12.10*	*0.03*	*1.93*	*0.54*
SNRC						
Area Sources	1.09	0.00004	0.004	0.00	0.00002	0.00002
Cogeneration System Emissions	0.57	15.63	1.66	0.64	1.17	1.13
Mobile - Employee Vehicles	0.07	0.09	1.09	0.003	0.23	0.06
Mobile – Trucks	0.08	2.402.30	0.460.44	0.006	0.07	0.050.04
Subtotal	*1.80*	*18.102*	*3.223.20*	*0.64*	*1.47*	*1.241.23*
Total Emissions	**4.304.29**	**21.4221.43**	**15.3215.30**	**0.67**	**3.40**	**1.78**
Regional Significance Threshold	*55*	*55*	*550*	*150*	*100*	*55*
Significant Impact?	No	No	No	No	No	No

NOTE: See Appendix B for CalEEMod model outputs.

3.3-28 The following modifications have been made to Table 3.3-11 to demonstrate more accurate operational emissions. Refer to Appendix B for more details.

TABLE 3.3-11 REVISED
ANNUAL UNMITIGATED OPERATIONAL EMISSIONS

	Estimated Emissions (tons/year)					
Emissions Source	**ROG**	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Administration Center						
Area Sources	0.27	0.00	0.00	0.00	0.00	0.00
Energy Sources (Natural Gas)	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Sources	0.13	0.46	1.60	0.00	0.26	0.07
Subtotal	0.40	0.47	1.60	0.00	0.26	0.07
SNRC						
Area Sources	0.20	0.00	0.00	0.00	0.00	0.00
Cogeneration System Emissions	0.10	2.85	0.30	0.12	0.21	0.21
Mobile - Employee Vehicles	0.00	0.00	0.00	0.00	0.00	0.00
Mobile – Trucks	0.02	0.44~~0.43~~	0.08~~0.21~~	0.00	0.01~~0.04~~	0.01~~0.02~~
Subtotal	0.32	3.29~~3.28~~	0.38~~0.51~~	0.12	0.22~~0.26~~	0.22
Total Emissions	0.72	3.76~~3.75~~	1.92~~2.11~~	0.12	0.49~~0.52~~	0.29~~0.30~~
Regional Significance Threshold	10	10	100	100	70	100
Significant Impact?	No	No	No	No	No	No

NOTE: See Appendix B for CalEEMod model outputs.

Section 3.4 Biological Resources

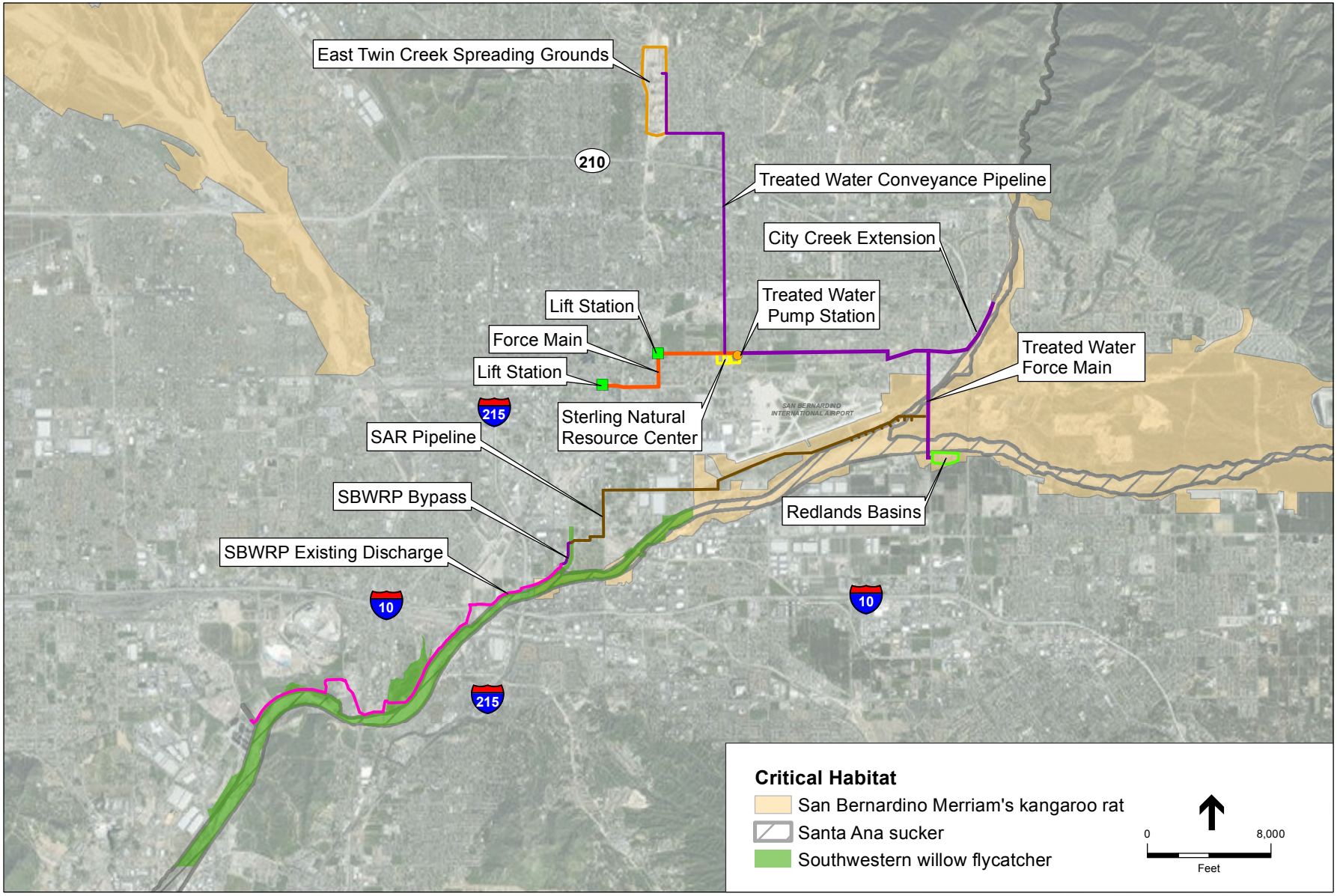
Page Clarification/Revision

3.4-23

TABLE 3.4-4
POTENTIALLY OCCURRING SENSITIVE WILDLIFE SPECIES

Common and Scientific Name	Status[1] (Federal/State/ CNDDB)	Habitat	Potential to Occur in Project Impact Area
Arroyo chub *Gila orcutti*	FSC/SSC/S2	Los Angeles Basin south coastal streams. Slow water stream sections with mud or sand bottoms.	**High~~Medium~~.** Suitable habitat for this species is present in the Santa Ana River and throughout much of City Creek within the project area when water is present.

3.4-32 Figure 3.4-2 was revised to include the critical habitat of the southwestern willow flycatcher.



SOURCE: ESRI; USFWS

Sterling Natural Resource Center . 150005

Figure 3.4-2

Critical Habitat

3.4-45 The second paragraph on page 3.4-45 has been modified to accurately reflect the Reduced Discharge conclusions and to be consistent with the summary on page 3.4-48 as shown below.

The reduction of discharge from RIX will reduce water currently supporting riparian habitats in the Santa Ana River below the RIX discharge point. The reduced discharge study conducted by ESA for the project (ESA 2015b) determined that the diversion of 6 MGD of water from the Santa Ana River will not significantly change the existing conditions within the river pertaining to flow, velocity and sedimentation. As noted on page 8 of the reduced discharge study (**Appendix F**), the reduction of 6 MGD from the RIX discharge would reduce water depth in the channel a maximum of approximately 1.1 inch, reduce the wetted area by 6 percent, and result in an average change in a velocity class of 2 percent (not exceeding 6 percent) of the total channel area. (See Appendix F) ~~and would alter existing flow velocities on average by two percent. This would reduce wetted area by three percent within the upper reach of the reduced discharge study area~~. The stream width would be reduced by ~~three~~ 6 percent, but the riparian vegetation would continue to encroach and hang over the stream channel as under existing conditions. The small reduction in wetted area in the river channel would not significantly affect the vitality of the riparian corridor currently supported by the perennial surface water discharge.

3.4-54 Text has been added regarding the critical habitat and Primary Constituent Estimates for the southwestern willow flycatcher as shown below.

Operational Impacts

USFW designated critical habitat for southwestern Willow Flycatcher is located within the floodplains of City Creek (refer to Figure 3.4-2). The designation published in the Federal Register on January 3, 2013, lists Primary Constituent Elements (PCE) for the southwestern Willow Flycatcher as follows:

1. Riparian vegetation along a dynamic river or lakeside that is comprised of trees and shrubs with some combination of:
    a. Dense trees and shrubs that can range in height from 2 to 30 meters
    b. Areas of dense riparian understory foliage at least from the ground level up to approximately 13 feet.
    c. Sites for nesting that contain a dense tree and/or shrub canopy
    d. Dense patches of riparian forests that are interspersed with small openings of open water or marsh
2. Insect Prey Populations

The operational requirements of the project will divert 6 MGD of recycled water that would have been discharged into the Santa Ana River from the RIX facility, and discharge that water into City Creek northeast of the project area, Redlands

Basins, and/or the East Twin Creek Spreading Grounds. The reduction in flow of 6 MGD would not result in a substantial decrease in riparian cover that would restrict the primary constituent elements identified by USFWS for southwestern willow flycatcher including dense understory and insect populations. Sufficient volumes of water would remain in the river channel to support the riparian habitat similar to existing conditions. Furthermore, implementation of Mitigation Measure BIO-3 would provide for management of the riparian habitat including the removal of invasive weeds including *arundo donax* which would increase the acreage of native riparian vegetation compared with existing conditions, as native willows emerge in areas where *arundo donax* has been removed. Additionally, the discharge of water into City Creek or other basins by the proposed project will support the growth of riparian habitat at those locations. Therefore, there will be no adverse modification of Critical Habitat as a result of the operational requirements of the project.

3.4-55 Mitigation for sensitive plants will be conducted in consultation with the wildlife agencies either through the Endangered Species Act or other permitting mechanisms such as streambed alteration agreement for non-listed species. The DEIR does not rely on the adoption of the Upper SAR HCP to mitigate impacts to sensitive species in City Creek. Mitigation has been refined to require replacement of permanently impacted RAFSS habitat at a ratio no less than 3:1 in consultation with USFW and CDFW. The appropriate modifications to the mitigation measure are shown below.

BIO-1: Disturbance to Special-Status Plants. The following measures will reduce potential project-related impacts to special-status plant species that may occur adjacent to the project site within City Creek to a less than significant level. Potential project-related impacts may result from the construction of the pipeline extension and discharge structure within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds.

a. Prior to the start of construction within City Creek, Redlands Basins, and/or the East Twin Creek Spreading Grounds, a focused botanical survey will be conducted to determine the presence/absence of any of the special-status species with a moderate or high potential to occur. The focused botanical survey will be conducted by a botanist or qualified biologist knowledgeable in the identification of local special-status plant species, and according to accepted protocol outlined by the CNPS and/or CDFW.

b. If a special status ~~state or federally listed~~ plant species is discovered in a project impact area, informal consultation with CDFW and/or USFWS will be required prior to the impact occurring to develop an appropriate avoidance strategy. Depending on the sensitivity of the species, relocation, site restoration, or other habitat improvement actions may be

an acceptable option to avoid significant impacts, as determined through consultation with the resource agencies.

c. If impact avoidance of a state or federally-listed species is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed plant species within the construction area and estimated perennial flow area and prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected plants species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS.

d. Permanent impacts to RAFSS habitat from construction and operation of the discharge including within the City Creek channel resulting from perennial flow shall require on-site replacement or off-site compensation at a ratio of at least 3:1 in consultation with CDFW and USFWS. Temporary impacts to RAFSS habitat would be mitigated at a ratio of at least 1:1 in consultation with CDFW and USFWS.

3.4-56 The mitigation measure has been expanded to include pre-construction site clearing surveys to remove special status wildlife species from the impact areas prior to construction.

BIO-2: Disturbance to Special-Status Wildlife. The following measures will reduce potential project-related impacts to special-status wildlife species that may occur within disturbed and native habitats, to a less than significant level. Potential project-related impacts may result from construction of the SNRC, construction of the discharge structures within City Creek and other discharge locations, and perennial discharges to City Creek or other discharge locations.

a. Prior to the start of construction within City Creek or other discharge locations, Valley District shall conduct focused surveys within the project impact areas to determine if any state or federally-listed wildlife species (southwestern willow flycatcher, coastal California gnatcatcher, San Bernardino kangaroo rat, and least Bell's vireo) are located within project impact areas. Focused surveys will be conducted by a qualified and/or permitted biologist, following approved survey protocol. Survey results will be forwarded to CDFW and USFWS. If state or federally-listed species are determined to occur on the project site with the potential to be impacted by the project, consultation with CDFW and/or USFWS will be required.

b. If impact avoidance is not feasible, Valley District shall quantify the impacted acreage supporting state or federally-listed wildlife species within the construction area and estimated perennial flow area and

prepare a Biological Assessment pursuant to Section 7 of the Endangered Species Act and Section 2081 of the State Endangered Species Act. The Biological Assessment shall quantify compensation requirements for affected wildlife species. Valley District shall implement the conservation measures and compensation requirements identified through consultation by USACE with both CDFW and USFWS.

c. Prior to the start of construction of the SNRC building and the recycled water pipeline along 6th Street, focused burrowing owl surveys shall be conducted to determine the presence/absence of burrowing owl adjacent to the project area. The focused burrowing owl survey must be conducted by a qualified biologist and following the survey guidelines included in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If burrowing owl is observed within undeveloped habitat within or immediately adjacent to the project impact area, avoidance/minimization measures would be required such as establishing a suitable buffer around the nest (typically 500-feet) and monitoring during construction, or delaying construction until after the nest is no longer active and the burrowing owls have left. However, if burrowing owl avoidance is infeasible, a qualified biologist shall implement a passive relocation program in accordance with the *Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans* of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

d. Prior to the start of construction within City Creek, pre-construction site clearing surveys will be conducted of the project impact area within natural habitats. Any special status ground-dwelling wildlife will be removed from the immediate impact area and released in the nearby area.

e. Permanent impacts to RAFSS habitat from construction and operation of the discharge including within City Creek channel resulting from perennial flow shall require on-site replacement or off-site compensation at a ratio of at least 3:1 in consultation with CDFW and USFWS. Temporary impacts to RAFSS habitat would be mitigated at a ratio of at least 1:1 in consultation with CDFW and USFWS.

3.4-57 The mitigation measure BIO-3 has been modified to include SAS-7 to include hydrologic monitoring of the SAR below RIX to better understand the seasonal and diurnal fluctuations in river flow.

BIO-3: Disturbance to Santa Ana Sucker

- **SAS-7: Monitoring.** The HMMP will outline a monitoring program to collect hydrology data in the segment of river between the RIX discharge and Mission Boulevard. The data will include flow velocity and depth.

3.4-62 The following mitigation measure has been modified to clarify that pre-construction surveys will be conducted 30 days prior to commencement of construction activities and again within 3 days of construction.

BIO-5: Disturbance to Nesting Birds. To minimize potential construction-related project impacts to avian species that may be nesting on or immediately adjacent to the project area, the following measures will reduce any potential impact to a less than significant level.

a. To avoid potential impacts to birds that may be nesting on or immediately adjacent to the project area, construction of the project should avoid the general avian breeding season of February through August.

b. If construction must occur during the general avian breeding season, a pre-construction clearance survey shall be conducted within 30 days prior to the start of construction, to determine if any active nests or sign of nesting activity is located on or immediately adjacent to the project area, specifically at the proposed SNRC location. An additional survey shall be conducted within 3 days prior to the commencement of construction activities. If no nesting activity is observed during the pre-construction survey, construction may commence without potential impacts to nesting birds.

c. If an active nest is observed a suitable buffer will be placed around the nest, depending on sensitivity of the nesting species, and onsite monitoring may be required during construction to ensure no disturbance or take of the nest occurs. Construction may continue in other areas of the project and construction activities may only encroach within the buffer at the discretion of the monitoring biologist. The buffer will remain in place until the nestlings have fledged and the nest is no longer considered active.

Section 3.7 Greenhouse Gases

Page Clarification/Revision

3.7-13 The following modifications have been made to Table 3.7-2 to demonstrate the estimated amount of greenhouse gas emissions from the proposed project using a more accurate calculation of truck trips.

TABLE 3.7-2 REVISED
ESTIMATED ~~CONSTRUCTION RELATED~~ GREENHOUSE GAS EMISSIONS

Emission Source	Proposed Program Emissions CO_2e (MT/yr)
Construction	
Administration Center	139.86
Discharge Structures (3 total)	91.14
Pipelines	1,050.42
SNRC	1,268.61
Construction (Amortized over 30 years)	2,550.03
Total	*85.00*
Project Operational GHG Emissions:	
Administration Center	423.88
SNRC:	
Area Source	0.01
Worker Vehicle Emissions	24.44
Truck-Only Emissions	94.84~~90.89~~
Cogen	450.24
Electricity	5123.36
Total Operational:	*6,116.78~~6,112.82~~*
TOTAL Project Construction and Operational GHG Emissions:	**6,201.78~~6,197.82~~**

NOTES: CO_2e= carbon dioxide equivalent; MT/yr = metric tons per year; see Appendix E for CalEEMod model outputs.

SOURCE: Modeling performed by ESA, 2015.

Section 3.14 Public Services, Utilities and Energy

Page Clarification/Revision

3.14-4 The text included an city that is not included within Valley District's service so East Highland was removed, as shown below.

Valley District covers about 353 square miles and serves a population of 660,000 in southwestern San Bernardino County; it includes the cities and communities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Bloomington, Highland, ~~East Highland,~~ Mentone, Grand Terrace, and Yucaipa (Valley District, 2015).

3.14-5 The LAFCO organization was incorrectly identified in the text. The correct identification has been included in Section 3.14, *Utilities and Service Systems*, as shown below.

The City of Redlands provides drinking water to the Redlands and Mentone areas; the water utility service area generally coincides with the area designated

by the Local Agency ~~Area~~ Formation Commission (LAFCO) as the City and its sphere of influence.

Section **3.15 Transportation and Traffic**

Page **Clarification/Revision**

3.15-7 The text included the incorrect amount of biosolids trips for the facility. The change shown below reflects the accurate number of trips.

~~Approximately 5~~An average of fewer than 2 biosolids haul trips per day would be generated at the facility.

Section **Chapter 4, Cumulative Impacts**

Page **Clarification/Revision**

4-16 The following has been included in Chapter 4, *Cumulative Impacts*, to further identify cumulative reductions in discharge.

The proposed project would contribute to the cumulative reduction in flows to the SAR that reach Prado Dam and Orange County. As more recycled water projects are implemented in the upper SAR watershed to support local water supply development and sustainable groundwater management practices, less surface water will reach the Prado Basin. However, pursuant to the 1969 Stipulated Judgment, minimum flows to Prado Dam will be maintained to ensure that Orange County receives its appropriative water rights. The cumulative reduction in surface water reaching Prado Dam would not significantly impact local drainage patterns, floodplains, downstream water rights, or surface water or groundwater quality. The cumulative reduction in surface water flows may result in depletion of groundwater levels near Prado that are also subject to local pumping. However, the proposed project would result in increased groundwater levels in subbasins higher in the watershed. The proposed project would support sustainable management of groundwater basins within the entire Upper Santa Ana River Watershed as required under Sustainable Groundwater Management Act and will assist in minimizing long-term cumulative impacts to groundwater.

Section **Chapter 6, Alternatives**

Page **Clarification/Revision**

6-7 The amount of alternatives, three, indicated was incorrect. The change has been included in Chapter 6, Alternatives, as shown below.

~~Three~~ Five alternatives were selected for detailed analysis. The goal for evaluating these alternatives is to identify alternatives that would avoid or lessen the significant environmental effects of the project, while attaining most of the project objectives. Significant impacts of the project include construction air

emissions, construction noise, modification of Santa Ana sucker habitat, and secondary effects of growth.

Staff Initiated Changes

Section **3.3 Air Quality**

Page **Clarification/Revision**

3.3-23 In Chapter 3.3, the reference to Mitigation Measure AIR-1 was incorrectly written as AQ-1. The change has been included in Chapter 3.3, *Air Quality*, as shown below.

Implementation of **Mitigation Measure ~~AQ~~AIR-1**, which requires all off-road construction equipment that exceeds 50 horsepower to be either certified as EPA Tier 4where available, would reduce the pollutant emissions from the proposed project's construction equipment. The mitigated construction emissions for the proposed project after implementation of **Mitigation Measure ~~AQ~~AIR-1** are shown in **Table 3.3-7**.

3.3-24 In Chapter 3.3, the reference to Mitigation Measure AIR-1 was incorrectly written as AQ-1. The change has been included in Chapter 3.3, *Air Quality*, as shown below.

As shown in Table 3.3-7, implementation of **Mitigation Measure ~~AQ~~AIR-1** would reduce the pollutant emissions associated with the proposed project's construction activities.

3.3-25 In Chapter 3.3, the reference to Mitigation Measure AIR-1 was incorrectly written as AQ-1. The change has been included in Chapter 3.3, *Air Quality*, as shown below.

However, as shown in **Table 3.3-9**, with **Mitigation Measure ~~AQ~~AIR-1** the project's construction emissions would be below the federal conformity de minimis thresholds for all pollutants, including NOx.

Section **3.4 Biological Resources**

Page **Clarification/Revision**

3.4-60 The mitigation measure formatting was corrected to maintain consistency with the rest of the document as shown below:

BIO-4: Construction Best Management Practices. The contractor shall implement the following Best Management Practices during construction of the pipeline and discharge structure adjacent to and within City Creek to protect any adjacent sensitive natural communities that provide habitat for special-status species.

a. The following water quality protection measures shall be implemented during construction. :

- Stationary engines, such as compressors, generators, light plants, etc., shall have drip pans beneath them to prevent any leakage from entering runoff or receiving waters.
- All construction equipment shall be inspected for leaks and maintained regularly to avoid soil contamination. Leaks and smears of petroleum products will be wiped clean prior to use.
- Any grout waste or spills will be cleaned up immediately and disposed of off-site.
- Spill kits capable of containing hazardous spills will be stored on-site.

b. To prevent inadvertent entrapment of common and special-status wildlife during construction, all excavated, steep-walled holes or trenches more than two-feet deep shall be covered with tarp, plywood or similar materials at the close of each working day to prevent animals from being trapped. Ramps may be constructed of earth fill or wooden planks within deep walled trenches to allow for animals to escape, if necessary. Before such holes or trenches are backfilled, they should be thoroughly inspected for trapped animals. If trapped wildlife are observed, escape ramps or structures shall be installed immediately to allow escape.

All construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods should be thoroughly inspected for burrowing owls and nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved.

Section 3.11 Noise

Page	**Clarification/Revision**
3.11-19	The mitigation measure formatting was corrected to maintain consistency with the rest of the document as shown below:

NOISE-1: Valley District shall implement the following measures during construction:

a. Include design measures necessary to reduce construction noise levels to comply with local noise ordinances. These measures may include noise barriers, curtains, or shields.

b. Place noise-generating construction activities (e.g., operation of compressors and generators, cement mixing, general truck idling) away from the nearest noise-sensitive land uses.

c. Contiguous properties shall be notified in advance of construction activities. A contact name and number shall be provided to contiguous properties to report excessive construction noise.

Section **3.15 Traffic and Transportation**

Page **Clarification/Revision**

3.15-8 The mitigation measure formatting was corrected to maintain consistency with the rest of the document as shown below:

Mitigation Measure TR-1: Valley District shall require the contractor to prepare a traffic control plan that identifies specific traffic control measures to ensure access and safety on the local roadway network. The traffic control plan will include the following elements at a minimum:

a. A schedule of lane closures and road closures over the construction period

b. Measures to maintain traffic flow at all times across the construction zone including requiring flaggers to direct traffic when only one lane of traffic is available

c. Detour routes and notification procedures if full road closures are needed

d. Lane closure notifications to the City of Highland, City of San Bernardino and City of Redlands and local emergency services providers

e. Temporary signalization modifications (if any) for intersection signals

f. On-road traffic control features and signage compliant with city traffic control requirements

g. Maintain access to residence and business driveways, public facilities, and recreational resources at all times to the extent feasible; Minimize access disruptions to businesses and residences

h. Include the requirement that all open trenches be covered with metal plates at the end of each workday to accommodate traffic and access

i. Identify all roadway locations where special construction techniques (e.g., horizontal boring, directional drilling or night construction) will be used to minimize impacts to traffic flow

Section **Chapter 8, References**

Page **Clarification/Revision**

N/A The following references have been added to support the FEIR:

California Department of Fish and Wildlife, Arroyo Chub, available online here: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=104270&inlinehttps://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=104270&inline, accessed March 2016.

California Regional Water Quality Control Board Santa Ana Region, Item 10: Renewal of Waste Discharge Requirements for City of San Bernardino Municipal Water Department's Water Reclamation Facility, Order No. R8-2012-0051, December 14, 2012.

Chino Basin Watermaster, *Depth to Groundwater Contours*, available online at: http://www.cbwm.org/rep_eng_maps.htm, July 2007.

East Valley Water District, Wastewater Collection System Master Plan, October 2013.

Hupp, Cliff R., W.R. Osterkamp, *Riparian vegetation and fluvial geomorphic processes,* received January 1994; accepted November 1994.

Jericho Systems Incorporated, *Habitat Suitability Assessments San Bernardino Kangaroo Rat and Burrowing Owl East Valley Water District's Del Rosa Avenue Treatment Plant*, February 25, 2015.

Stetson Engineers Inc., Preliminary Assessment of Hydrologic Conditions Related to Riparian Habitat Health and Vigor in the Prado Basin Management Zone, October 26, 2015.

Santa Ana Watershed Association, *Annual Report*, 2012.

U.S. Government Printing Office, Department of Interior Fish and Wildlife Service Federal Register Volume 78, No.2, January 3, 2013.

Wildermuth Environmental Inc., Prado Basin Daily Discharge Estimates for 2021 and 2071 Using the Wasteload Allocation Model, January 24, 2014.

Section **Appendix A, Notice of Preparation and Comments**

Page **Clarification/Revision**

N/A The following NOP comment letter was omitted in the Draft EIR and has been added to the end of the NOP comment letter table as follows:

Commenter/Date	Summary of Environmental Issues Raised in Comment Letter	Sections Where Addressed
Federal Emergency Management Agency (FEMA) 11/12/2015	Commented that the proposed project should be analyzed using the countywide Flood insurance rater maps (FIRMs) and fulfill the NFIP floodplain management building requirements if: a) a building is constructed within a riverine floodplain b)if a area of	Hydrology and Water Quality

Commenter/Date	Summary of Environmental Issues Raised in Comment Letter	Sections Where Addressed
	construction is located within a Regulatory Floodway or c) if a Special Flood Hazard Area is changed, then the appropriate hydrologic data should be submitted.	