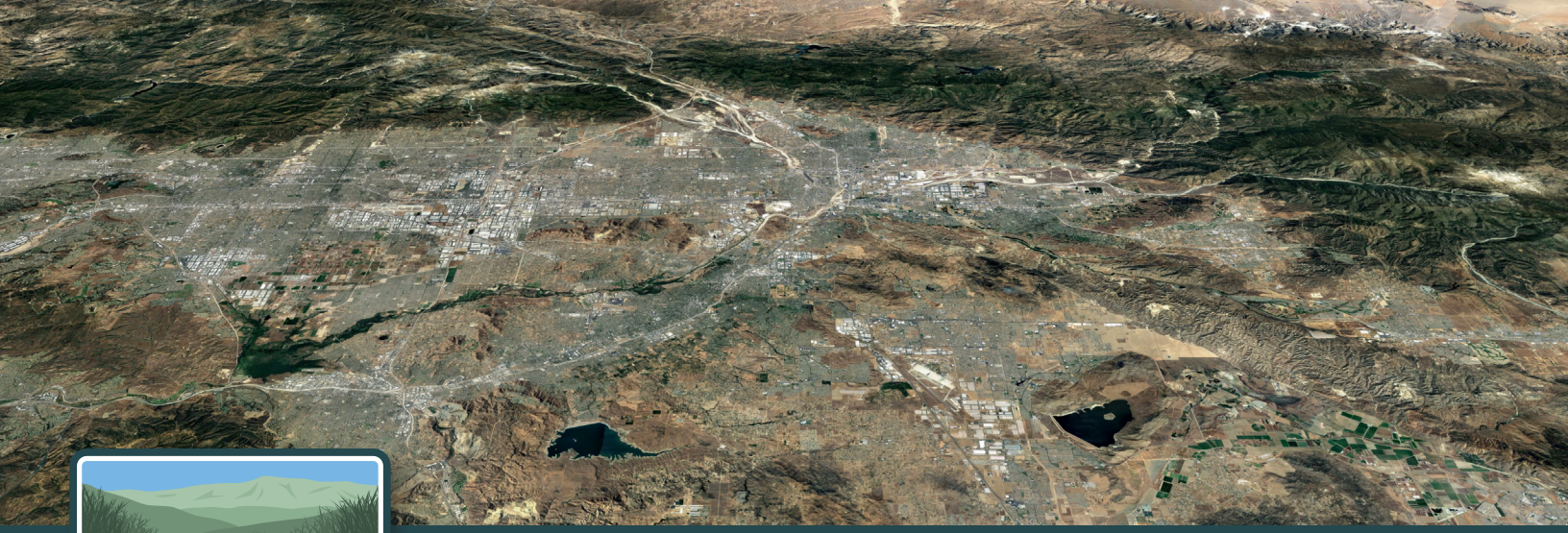

Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program

Final Environmental Impact Report | November 2019

Prepared for:
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, California

Prepared by:
ICF
1250 Corona Pointe Ct, Suite 406
Corona, California

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Chapters 1 through 9 and Appendices A through H are part of the Draft Environmental Impact Report (under separate cover).

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Acronyms and Abbreviations

BMP	best management practice
CDFW	California Department of Fish and Wildlife
Center	Center for Biological Diversity
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CLOMR	conditional letter of map revision
Construction General Permit	General National Pollutant Discharge Elimination System Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities
DBESP	Determination of Biologically Equivalent or Superior Preservation
District	Riverside County Flood Control and Water Conservation District
EIR	Environmental Impact Report
FEMA	Federal Emergency Management Agency
LCCL	Lytle Creek Conservation Land, LLC
LOMR	letter of map revision
Manual	Hidden Valley Wetlands Enhancement Project Operation and Maintenance Manual
MOU	Memorandum of Understanding
NOP	Notice of Preparation
OPR	State Office of Planning and Research
RCDWR	Riverside County Department of Waste Resources
RPU	Riverside Public Utilities
RTRP	Riverside Transmission Reliability Project
SARCCUP	Santa Ana River Conservation & Conjunctive Use Program
SBKR	San Bernardino kangaroo rat
Upper SAR HCP	Upper Santa Ana River Habitat Conservation Plan
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
Valley District	San Bernardino Valley Municipal Water District
Waterkeeper	Inland Empire Waterkeeper
Western	Western Municipal Water District
WRCMSHCP	Western Riverside County Multiple Species Habitat Conservation Plan

Chapter 10
Introduction

10.1 Introduction

The Final Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.) for the proposed Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program ("proposed project"). The Final EIR comprises the following documents:

- Draft EIR (State Clearinghouse No. 2018071024) and Appendices dated April 2019;
- Final EIR and Response to Comments;
- EIR Clarifications and Modifications; and
- Mitigation Monitoring and Reporting Program.

The purpose of this document is to respond to comments received by San Bernardino Valley Municipal Water District (Valley District) regarding the environmental information and analyses contained in the Draft EIR (April 2019). Additionally, any corrections to the text and figures of the Draft EIR, generated either from responses to comments or independently by Valley District, are provided in this volume of the Final EIR.

10.2 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 the Final EIR prior to approving the project; and (c) reflects Valley District's independent judgment and analysis.

The Draft EIR along with the revisions to the Draft EIR (clarifications and modifications), responses to comments, and associated appendices constitute the Final EIR for the proposed project. Section 15132 of the State 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 State CEQA Guidelines states that before the approval of any project subject to CEQA, the lead agency must consider the final environmental document, which in this case is the Final EIR. "Approval" is defined by Section 15352 of the State CEQA Guidelines as "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."

This Final EIR has been prepared pursuant to the requirements of CEQA. This Final EIR for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program presents the following chapters as a continuation of those included in the Draft EIR:

- Chapter 10: Introduction and CEQA process
- Chapter 11: A list of persons, organizations, and public agencies commenting on the Draft EIR, and the written comments received on the Draft EIR
- Chapter 12: Written responses to each comment identified in Chapter 11
- Chapter 13: Clarifications and modifications made to the Draft EIR in response to comments received or initiated by the lead agency
- Modified or added appendices

10.3 CEQA Process

For this project, Valley District is the lead agency under CEQA and the proponent of the project. CEQA requires lead agencies to consider potential environmental effects that may occur with implementation of a project and to avoid or substantially lessen significant effects on the environment, when feasible. When a project may have a significant effect on the environment, the agency with primary responsibility for carrying out or approving the project (the lead agency) is required to prepare an EIR.

10.3.1 Public Participation Process

The basic purposes of CEQA are to (1) inform decision-makers and the public about the potential significant environmental effects of proposed activities, (2) identify the ways that environmental effects can be avoided or significantly reduced, (3) prevent significant, avoidable environmental effects by requiring changes in projects through the use of alternatives or mitigation measures when feasible, and (4) disclose to the public reasons why an implementing agency may approve a project even if significant unavoidable environmental effects are involved.

The Draft EIR was prepared to comply with CEQA regulations and is to be used by local regulators and the public in their review of the potential environmental impacts of the proposed project and alternatives, and mitigation measures that would minimize or avoid the potential environmental effects. Valley District will consider the information presented in this Final EIR, along with other factors, prior to approving the proposed project.

Notice of Preparation and Public Scoping

Pursuant to Section 15082 of the State CEQA Guidelines, the lead agency is required to send a Notice of Preparation (NOP) stating that an EIR will be prepared to the State Office of Planning and

Research (OPR), responsible and trustee agencies, and federal agencies involved in funding or approving the project. The NOP must provide sufficient information in order for responsible agencies to make a meaningful response. At a minimum, the NOP must include a description of the project, location of the project, and probable environmental effects of the project (State CEQA Guidelines §15082(a)(1)). Within 30 days after receiving the NOP, responsible and trustee agencies and OPR shall provide the lead agency with specific detail about the scope and content of the environmental information related to that agency's area of statutory responsibility that must be included in the Draft EIR (State CEQA Guidelines §15082(b)).

On July 11, 2018, an NOP along with the Initial Study for the proposed project was submitted to the California OPR, and distributed to responsible and trustee agencies and other interested parties for a 30-day review period that ended August 9, 2018. A public scoping meeting was held at Valley District Headquarters on July 18, 2018. The NOP was mailed to local, state, and federal agencies and groups or individuals who had expressed interest in the project. Copies of the NOP and Initial Study were made available for public review on the Valley District website (http://www.sbvmwd.com/Upper-SAR-Restoration) and at the Valley District offices at 380 East Vanderbilt Way, San Bernardino, CA 92408.

Notice of Availability of the Draft EIR

The Notice of Availability of the Draft EIR was posted on April 22, 2019, with the County Clerk in Riverside and San Bernardino Counties. The Draft EIR was circulated to federal, state, and local agencies and interested parties that requested a copy of the Draft EIR. The initial 45-day review and comment period ended on June 6, 2019, but was extended per a request by a commenter during the first public review meeting to provide additional opportunity for the public to submit comments on the Draft EIR. The first public meeting was held at Valley District Headquarters on May 15, 2019. A second public meeting was also scheduled, at the request of the same commenter, to allow nearby residents of the proposed project an opportunity to comment on the proposed project. Comments on the environmental document were accepted through June 14, 2019, for a total comment period of 54 days. Notifications of the availability of the Draft EIR and the extended public review period were sent by email utilizing a project-specific email list; provided at each location where hard copies of the Draft EIR were available for review, including at Valley District offices and public libraries, on the project website, and Valley District's website; and posted on Facebook.

Two public meetings were held at the Valley District office and near the project site during the public comment period at the following dates, times, and locations:

Wednesday, May 15, 2019
4 p.m.–6 p.m.
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408

Monday, June 10, 2019
6 p.m.–8 p.m.
Hidden Valley Nature Center
11401 Arlington Ave
Riverside, CA 92505

Summary of Draft EIR Public Meeting Comments

Table 10-1 summarizes the key comments providing during public meetings held for the proposed project.

Table 10-1. Comment Summary by Respondent for Public Meetings

Agency/ Individual Name	Comment Summary	Response
Public Meeting – May 15, 2015		
Inland Empire Waterkeeper	Regarding homeless encampments, how to keep encampments from reentering the project areas after their removal. Suggested that coordination with local jurisdictions is needed now to get them mobilized to remove homeless populations prior to construction. Suggested that local jurisdictions will need ample time to coordinate resources.	Refer to Section 3.10, *Population and Housing*, for details regarding site cleanup, site maintenance, park ranger funded positions, and outreach proposed as part of the project to keep homeless encampments from reestablishing.
	Discuss location where Upper Santa Ana River Habitat Conservation Plan (Upper SAR HCP) projects are occurring versus where the project mitigation is occurring in Riverside and San Bernardino.	The Upper SAR HCP projects within a 5-mile buffer of the proposed project are included in the cumulative impact analysis in Chapter 4, *Cumulative Impacts*. Refer to Figure 4-1.
	Suggested that a 4 p.m. public meeting in San Bernardino County is not enough to allow for attendance by disadvantaged communities because they do not have access to this location; also post on social media and utilize Riverside Public Utilities' distribution list.	An additional public meeting was scheduled and held on June 10, 2019, adjacent to the project area. The meeting and the extended public review period was announced on various forms of social media (multiple Facebook pages, including Riverside Public Utilities' page).
	Lower Hole Creek has hazardous waste issues. Homeless disturb materials at the landfill, which creates instabilities; the landfill needs to be stabilized. Expressed concerns about polychlorinated biphenyls contamination in the landfill and impacts on water quality and the Santa Ana sucker. Suggested that the landfill could become listed as a superfund site.	Additional details regarding Pedley Landfill adjacent to Lower Hole Creek have been added to Section 3.7, *Hazards and Hazardous Materials*. Valley District has been working with the Riverside County Department of Waste Resources (RCDWR); Valley District met with engineers and project managers from RCDWR, California Department of Fish and Wildlife, and City of Riverside in June 2019 to discuss current conditions of the Pedley Landfill. Valley District and RCDWR will continue to coordinate regarding Pedley Landfill improvements.
	Suggests that City of Riverside should provide outreach at the local level to get community support to protect the resources that are restored so they will not disturb those areas further.	The City of Riverside provides outreach and services to homeless in the city. Refer to Section 3.10, *Population and Housing*, for details regarding the city's programs.
	For the Mitigation Bank, does the credit value get locked up, preventing others from using the potential mitigation who have funds? Concerns that other local agencies would not be able to provide restoration to gain credits.	The proposed project will not prevent others from using mitigation. Other agencies will be able to gain credits.

Agency/ Individual Name	Comment Summary	Response
	Concerns that organizations that are working locally, such as Inland Empire Waterkeeper, also need a voice in the restoration occurring locally, along with other small conservation groups already working in the area.	As a requirement of CEQA, public engagement is encouraged. Also, Valley District has been an active partner in the Santa Ana River and will continue to be one.
	Hazardous materials concerns, including that recycled water treatment may be needed because the treatment plant does not currently meet regulatory standards, contaminated wells in Jurupa Valley and contaminated water could be pumped into the channels, and Toro Company's pesticide use and the potential for runoff from its property going into the Santa Ana River causes erosion and illegal discharge of pollutants.	Section 3.7, *Hazards and Hazardous Materials*, includes a summary of publicly available information regarding hazardous materials affecting the project site.
	Requests the names of tribes contacted.	Refer to Section 3.12, *Tribal Cultural Resources*, for a summary of the tribes contacted by Valley District.
	Suggested that the term "land owner" is incorrect because the lands are for the public and held in the public trust.	Refer to Section 3.11, *Recreation*, for a summary of the recreational improvements.
	Concern regarding what recreational improvements are proposed by the project and if that supports local education in the area.	
Public Meeting – June 10, 2019		
Local resident (Erin Wright)	Requested information regarding parking. She noted that the project was promoting recreation opportunities at the site but questioned where these recreationists would park to access the sites. She noted that recreational visitors were currently parking in the neighborhoods near Tyler Road and Jurupa Avenue.	No additional parking will be provided, as the project focuses on restoration and other improvements. The project complements the existing recreational uses in the project area, improves and enhances site conditions and habitat, improves visibility of park ranger staff to maintain restored habitat and keep people from destroying the sites, and includes installation of site-specific passive recreational opportunities. The cumulative impact discussion was revised to include the Riverside Transmission Reliability Project. Refer to Response to Comment 4-2 for additional details.
	Questioned how the project would be constructed along with the nearby Southern California Edison project that was in the same location. Questioned if the construction timing was considered with the two projects ongoing at the same time. Also stated that residents should be informed about how construction is proceeding for both projects.	
City of San Bernardino (Jennifer Shephardson)	Questioned if the Army Corps of Engineers was assisting with the homeless issues on the site. Suggested it be contacted to request assistance during relocation efforts. Indicated she had an Army Corps of Engineers contact who may be able to provide assistance.	Valley District is working with the resource agencies to determine the best approaches to maintaining restored areas after construction. Valley District appreciates the additional information.

Agency/ Individual Name	Comment Summary	Response
	Document existing conditions and perform seasonal surveys for sensitive plant species, vegetative communities, and animal species in close coordination with resource agencies. Full disclosure of survey methods and results to be provided to the public and agencies. Provide vegetation maps at a large enough scale for evaluating impacts. Perform surveys to evaluate the existing onsite conditions at appropriate times; seasonal surveys may be required.	Refer to Section 3.3, *Biological Resources*. Technical studies and reports for the project include the *Opportunities and Constraints for Tributary Restoration Sites Report* (Appendix B of the Draft EIR), which includes the *Vegetation Mapping and Sensitive Plant Surveys Report*, the *Aquatic Species Habitat Assessment Report*, the *Riparian Bird Survey and Habitat Assessment Report*, the *Habitat Assessment and Surveys for Los Angeles Pocket Mouse, Black-tailed Jackrabbit, and Coast Horned Lizard Report*, the *Habitat Assessment for Coastal California Gnatcatcher and Burrowing Owl Report*, the *Jurisdictional Delineation Report*, and the *Wetland Condition Assessment Report*. Refer to these reports for methods and results. Permit applications also involve additional analyses to be reviewed by the resource agencies.

10.3.2 Evaluation and Response to Comment

The Draft EIR for the proposed project was made available for public comment beginning on April 22, 2019, and ending on June 14, 2019, as Valley District extended the public review period for the project. Valley District received 12 comments on the Draft EIR from state and local agencies, interest groups, and the public. Refer to Chapter 11, *Comment Letters*, for copies of all comments received by Valley District. Responses to those individual comments are provided in Chapter 12, *Responses to Comments*.

10.3.3 Final EIR Certification and Approval

As the lead agency, Valley District provided the Final EIR to commenters on November 6, 2019, and made it available for review at the following locations:

- Valley District Headquarters, 380 E. Vanderbilt Way, San Bernardino, CA 92408
- Arlanza Public Library, 267 Philbin Ave, Riverside, CA 92503
- Louis Robidoux Library, 5840 Mission Boulevard, Jurupa Valley, CA 92509
- Online on Valley District's website at http://www.sbvmwd.com/Upper-SAR-Restoration and on the project website at http://www.uppersarhcp.com/documents

Prior to considering the project for approval on November 19, 2019, 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 (State 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 State CEQA Guidelines.

10.3.4 Notice of Determination

Pursuant to Section 15094 of the State CEQA Guidelines, Valley District will file a Notice of Determination with OPR and the County Clerks for Riverside and San Bernardino Counties within 5 working days after project approval.

Chapter 11
Comment Letters

The Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program was circulated for public review for 61 days (April 22, 2019, through June 14, 2019) in accordance with the requirements of California Environmental Quality Act Guidelines Section 15105(a). San Bernardino Valley Municipal Water District received 12 comment letters and emails during the public review period, as shown in Table 11-1 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 Environmental Impact Report. Responses to these comments are provided in Chapter 12.

Table 11-1. Comment Letters Received

Comment Letter #	Commenter Name	Commenter Agency/Organization	Type of Commenter	Date of Comment
1	Chris Ehe	Rim of the World Intermountain Trail Alliance	Non-Governmental Organization (NGO)	5/29/2019
2	Ryan Ross	Riverside County Department of Waste Resources	Local Agency	5/30/2019
3	Scott Morgan	State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	State Agency	6/7/2019
4	Erin Wright	N/A	Individual	6/10/2019
5	Ryan Shaw	Western Municipal Water District	Local Municipality	6/11/2019
6	Peter Rhein	Lytle Creek Conservation Land, LLC	NGO	6/13/2019
7	Randy Sheppeard	Riverside County Flood Control and Water Conservation District	Local Agency	6/13/2019
8	Brian Monaghan	Wildlands	NGO	6/13/2019
9	Ileene Anderson	Center for Biological Diversity	NGO	6/14/2019
10	Scott Wilson	California Department of Fish and Wildlife	State Agency	6/14/2019
11	Megan Brousseau	Inland Empire Waterkeeper	NGO	6/14/2019
12	Stephanie Osler Hastings	Legal Counsel for the City of Rialto	Local Agency	6/14/2019

11.1 Comment Letter 1: Rim of the World Intermountain Trail Alliance

Comment Letter 1

From: C Ehe [ehechris@hotmail.com]
Sent: Wednesday, May 29, 2019 11:02 PM
To: comments; Supervisor Rutherford Janice; SupervisorRutherford@sbcounty.gov; lwm022@yahoo.com; Murray Lewis; Witte Dr Kenneth; Somes Kevin; kevin.somes@gmail.com; Kinzel Carol; Milliorn Mike; Brown Bev; Brown Bev; Johnson Bill; Kellems Karla; C Ehe; mstamer@fs.fed.us; dkotlarski@fs.fed.us; reliason@fs.fed.us
Subject: Rim of the World Intermountain Trail Alliance Phase 1 Map, Ref. EIR Notice for SBVMWD

Hello Heather Dyer and others:

At last nights monthly ROW Trial Alliance meeting at SkyPark it was brought to our Boards attention that the San Bernardino Valley Water District EIR may have implications on our Rim of the World (ROW) Intermountain Trail System. Heather is your process aware of the Intermountain Trail Alliance goals and the fact that we are the local stakeholders of the recently completed Rim of the World Recreation and Parks District Active Transportation Plan (ATP)? I have attached Phase 1 map of our Conceptual Intermountain Trail Plans from SkyPark at Santas Village to Snow Valley Mountain Resort. Our goal is to create a World Class Intermountain Trail system for hikers, mtn bikers and equestrians that connects our San Bernardino Mountain Resort Community. Please visit our website at RIMTRAILS.ORG for more information about us. 1

Heather, we ask that you do a cursory review of our Intermountain Trail Alliance maps, goals, website and our stakeholders role in the Rim of the World ATP. Kindly respond to Kevin Somes (email here-on) our Alliance President or myself of any implications you foresee with our Trail Alliance and the pending SBVMWD EIR. We look forward to your response. Sincerely,

Here's a link to "+NEW+_18-999_ROTW-BIKE_36x24_Phase1_TopoBM_Mar2019update.pdf" in my Dropbox:

https://www.dropbox.com/s/hti21vv0t0lyjp1/%2BNEW%2B_18-999_ROTW-BIKE_36x24_Phase1_TopoBM_Mar2019update.pdf?dl=0 2

Chris Ehe (Vice President of Intermountain Trails Alliance)
Owner, Environmental Hightech Engineering
(909) 886-1811 office
(909) 534-0823 cell
ehe.ls@verizon.net

11.2 Comment Letter 2: Riverside County Department of Waste Resources

RIVERSIDE COUNTY
DEPARTMENT OF
WASTE RESOURCES
Hans W. Kernkamp, General Manager-Chief Engineer

VIA EMAIL ONLY
uppersarrestoration@icf.com
heatherd@sbvmwd.com

May 30, 2019

Ms. Heather Dyer
Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408

RE: Comments on the Draft Environmental Impact Report (DEIR) for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program (Project)

Dear Ms. Dyer:

The Riverside County Department of Waste Resources (RCDWR) has reviewed the DEIR along with the associated Appendices for the Project and offers the following comments for your consideration.

1. As identified in the DEIR, the Lower Hole Creek (LHC) restoration site includes portions of the Pedley Landfill (a closed landfill/former burn site), which is owned by the California Department of Fish and Wildlife (CDFW) as part of the Hidden Valley Wildlife Area. CDFW and RCDWR are responsible for maintaining the closed landfill.

2. The Pedley landfill has experienced substantial damage along the Santa Ana River (SAR) as well as the De Anza Channel (referred to in the DEIR as Hole Creek) as a result of increased storm intensity, urban run-off, and the shifting of the SAR (2010), requiring significant improvements to protect public health by removing exposed landfilled material and armoring the landfill slopes with Articulated Concrete Blocks (ACB). While the northern slopes of the landfill (adjacent to the SAR) have been protected with ACB, the majority of the De Anza Channel has not. 1

3. Appendix C- 30 Percent Design for Upper Santa Ana River Tributaries: A portion of the grading plan contained on sheet C2 shows an excavation section along LHC. The limits of the excavation are within the known edge-of-fill limits of the landfill (within an area containing landfilled material). The DEIR did not address landfill excavation, including how the excavated waste shall be handled and disposal method, construction of an engineered final cover over the excavated slope, and protection of the landfill slope from future erosion. The DEIR should evaluate landfill excavation and the potential environmental impacts from such actions.

4. RCDWR is currently planning and permitting additional reinforcement and site improvements at the Pedley landfill within areas identified in the DEIR for active restoration in the LHC area. We recognize that the Project's designs are only conceptual, but any type of work adjacent to the Pedley landfill carries the potential for environmental impacts 2

that have not been addressed in the DEIR. Additionally, the landfill's existing as well as scheduled improvements/repairs may impact the viability of the Project's proposed restoration activities within the LHC.

For example, Appendix C, Sheet L4, shows the proposed planting locations for the Project near the upstream section of the landfill's ACB revetment system. Trees planted nearby or on top of the ACB can damage or cause the ACB to lie uneven with the surrounding ground. To be effective in protecting the slope, the ACB must lay flat on the ground. RCDWR requests that trees are not planted on or near the ACB. The minimum distance from the ACB will vary depending on the species of tree. 2 cont.

The DEIR should evaluate the potential environmental impacts resulting from the proposed restoration activities both adjacent to and within the Pedley landfill. Impacts such as, but not limited to, uprooting the ACB (due to planting of trees) and exposing landfill material.

5. To lessen the potential for Project impacts, the RCDWR recommends that the Final EIR include mitigation measures requiring that: 1) the Project proponent submit plans to RCDWR for review and approval prior to any restoration activities within the LHC; and, 2) the Project proponent enter into an Agreement with CDFW and RCDWR addressing full indemnification of both parties (RCDWR and CDFW) against any action or claim taken against either party as a result of the Project, as well as accepting full liability for any harm to the landfill or its surrounds as a result of the Project (accidental release of waste, damage revetment systems, enforcement actions, etc.). 3

6. In order to accomplish the Project's restoration goals as well as best protect the landfill and the environment, it is critical that coordination between RCDWR, CDFW, and the San Bernardino Valley Municipal Water District take place. The RCDWR stands ready to meet with all parties when appropriate. 4

Thank you for allowing us the opportunity to comment on the DEIR. We would appreciate a copy of the Final on CD (or other digital format) when available. Please continue to include the RCDWR in future transmittals and notify us when the Final EIR is ready for adoption/approval. I can be reached at (951) 486-3200 or email rmross@rivco.org. 5

Sincerely,

Ryan Ross
Planning Division Manager

cc: Jeff Brandt, Richard Kim, Marissa Caringella, CDFW (via email)
Cindy Li, Keith Person, Regional Water Quality Control Board- Santa Ana (via email)
James Mace, U.S. Army Corps of Engineers (via email)
Analicia Gomez, Riverside County Regional Park and Open Space District (via email)
Greg Reyes, Local Enforcement Agency (via email)

11.3 Comment Letter 3: State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

Gavin Newsom
Governor

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

Kate Gordon
Director

June 7, 2019

Heather Dyer
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408

Subject: Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program
SCH#: 2018071024

Dear Heather Dyer:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 6/6/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: https://ceqanet.opr.ca.gov/2018071024/2 , for full details about your project. 1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

11.4 Comment Letter 4: Erin Wright

From: RayErin Wright
To: Upper SAR Restoration
Subject: Upper Santa Anna River Trin Rest Project
Date: Monday, June 10, 2019 8:23:19 PM

Thank you very much for holding the public meeting tonight and getting the word out to the public using social media.

The project as it was presented is very exciting for myself and my family to both enhance our own personal neighborhood but also our beloved city as well. 1

While this extensive project appears well coordinated and the risks and benefits well evaluated and calculated; I did have a couple questions and concerns I would like to bring forth.

As I mentioned at the meeting I would like to see how this project and the Southern California Edison's Application (A.15-04-013) regarding the proposed above and or underground powerlines running a similar rout to your project. (Note that I am not 100% sure of the exact reference/name for the power line project). With two projects I feel that the agencies need to address both the dual construction schedules as well as the impact that the above ground and or underground power lines may have on the wildlife, walking trails and so on with regards to your proposed project. 2

I would also like to inquire as to the funds for this project. As there are multiple agencies involved, with that? are any funds going to be collected from taxes, fees or assessments from your organization or any of the agencies involved? 3

This is not a question, however I would also like to request as much as possible that residents near the construction zones and project cites be kept well informed of dates, schedules and even what to be aware of. It is vital for residents to know what to expect and therefor have the ability to determine what should be cause for concern to their neighborhoods, local trail ect. 4

Overall our family is excited to see an area that we already enjoy being brought to a better state for the benefit of the environment, the local community and more. Thank you for your efforts and I look forward to the continuing developments of the project. 5

-Erin Wright
7211 Auld St Riverside Ca 92503

11.5 Comment Letter 5: Western Municipal Water District

Comment Letter 5

June 11, 2019

Ms. Heather Dyer, Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408

RE: Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program

Dear Ms. Dyer:

On behalf of Western Municipal Water District (Western), I would like to thank you for the opportunity to comment on the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program (Restoration Program). As a partner agency in both the Upper Santa Ana River Habitat Conservation Plan (HCP) and the Santa Ana River Conservation and Conjunctive Use Program (SARCCUP), Western is in full support of the Restoration Program. 1

After review of the Restoration Program Draft Environmental Impact Report (DEIR), it appears that the "bucket-for-bucket" concept will require approximately 4,500 acre-feet per year of groundwater from the Riverside-Arlington Subbasin. We are supportive of these types of arrangements but recognize the need to coordinate with the Western-San Bernardino Watermasters for successful implementation. We will add this topic to the agenda for the next Watermaster quarterly meeting, as well as our quarterly Plaintiff Party meeting. 2

We look forward to coordinating this effort through the Watermasters. Should you have any questions, please don't hesitate to contact me at 951.571.7256 or rshaw@wmwd.com.

Sincerely,

Ryan Shaw
Director of Water Resources

11.6 Comment Letter 6: Lytle Creek Conservation Land, LLC

LYTLE CREEK
CONSERVATION LAND, LLC
C/O PETER L. RHEIN
1407 HOLMBY AVENUE
LOS ANGELES, CA. 90024

June 13, 2019

Via Electronic Mail

Heather Dyer, Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408
Email: uppersarrestoration@icf.com

Re: Comment on the Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program

Dear Ms. Dyer:

The following comments are submitted in response to the San Bernardino Valley Municipal Water District's Notice of Availability of the Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program ("Program") dated April 19, 2019.

As owners of the Lytle Creek Conservation Bank ("LCCB") located in the Lytle Creek wash area of San Bernardino County, we want to encourage the Program to support a preference for approved mitigation credits when available. The purchase of approved credits provides the Program with the most certainty for application to mitigation requirements.

BBC is pleased to offer the Program the opportunity to purchase credits "in-bulk" to address current and future mitigation needs at a substantial discount over current and trending credit pricing. Purchasing credits in advance will provide the program with a "get ahead-stay ahead" solution pre-approved and supported by the natural resource agencies.

Not only is cost-savings a key benefit mitigation credits offer the Program, but credits are sold as fixed cost solution with no trailing costs or obligations. LCCB will offer to account for and track the future use of credits by the Program as they are applied for mitigation needs.

1

As background, LCCB has been established to provide habitat mitigation credits to compensate for unavoidable impacts to San Bernardino kangaroo rat (Dipodomys merriami parvus) ("SBKR") and Santa Ana River woollystar (Eriastrum densifolium ssp. sanctorum) ("SARW") by the U.S. Fish and Wildlife Service. LCCB is located in the alluvial floodplain and active channel of Lytle Creek, just downstream from the confluence of Lytle and Cajon Creeks. The entire Bank is located within an area designated by the U.S. Fish and Wildlife Service as Critical Habitat for the SBKR. Lytle Creek is a tributary to the Santa Ana River, which is identified as important habitat for the SARW.

In addition, the LCCB is pursuing coverage from the California Department of Fish and Wildlife to provide mitigation for Waters of the State and other sensitive habitat communities, providing additional regulatory mitigation coverage and utility for the Program and other Water District projects.

We appreciate the opportunity to provide San Bernardino Valley Municipal Water District with our views concerning the SBKR compensatory mitigation component of the Mitigation Reserve Program and hope you will consider our offer to provide credits to the Program.

1 cont.

Sincerely,

Peter L. Rhein President,
Lytle Creek Conservation Land, LLC

11.7 Comment Letter 7: Riverside County Flood Control and Water Conservation District

JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

June 13, 2019

Emailed this date to: uppersarrestoration@icf.com

Ms. Heather Dyer
Water Resources Project Manager
San Bernardino Valley
Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408

Dear Ms. Dyer:

Re: Comments on the Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program

This letter is written in response to the Draft Environmental Impact Report (Draft EIR) for the above proposed project which includes the construction and maintenance of four tributary restoration sites within Riverside County and the cities of Jurupa Valley and Riverside to improve the ecological condition for the Santa Ana Sucker and jurisdictional aquatic resources. The project would also include tracking and development of mitigation credits and application of those credits for future project permit requirements. The San Bernardino Valley Municipal Water District (Valley District) is the Lead Agency for the California Environmental Quality Act (CEQA). The Riverside County Flood Control and Water Conservation District (District) is tasked with effectively managing flood hazards to protect life and property. The District has existing flood control facilities within the proposed project area.

The District has the following comments regarding the project:

1. Existing District flood control facilities and/or properties are located within the program area and may be affected directly or indirectly by the proposed project. Any proposed activities that may conflict with the flood control functions of the facilities should be avoided. Any work that involves District rights of way, easements, or facilities will require review and approval from the District. These District approvals should be included in the EIR list of mitigation measures. The District may be a CEQA Responsible Agency, and any potential impacts to District facilities should be evaluated in the EIR. In addition, the EIR should evaluate and consider any indirect impacts to the District's operation and maintenance of these facilities. Early coordination of any proposed activities within District rights of way is strongly encouraged. To obtain further information on District encroachment permits and to find an application form, please refer to http://rcflood.org/EncroachmentPermits.aspx, or contact the District at 951.955.1200 and speak with encroachment permit staff to help confirm permit requirements. 1

2. The proposed project includes the placement of wood, rock structures, and bank protection within the channels to obstruct flow and alter hydraulics. Such project features could impact the Federal Emergency Management Agency (FEMA) mapped floodplain and may increase flood hazards. The Draft EIR concludes that potential changes in drainage patterns will be less than significant, and mitigation is not necessary. To ensure the potential impacts remain less than significant, the District recommends that the following, or equivalent, mitigation measure be added to the EIR: 2

   "Final design shall include an analysis (e.g., hydraulic, floodplain elevations) of the effects of the project on water surface elevations across the floodplain. The results of the analysis shall be used to develop adequate measures to reduce potential floodplain impacts to a less than significant level. The results of the analysis shall be provided to the District and local land use agency for review and comments."

3. Alternative B (Proposed Project plus Evans Creek Site Alternative) in the Draft EIR includes modifications to the Santa Ana River Levee which is an Army Corps of Engineers (USACE) constructed facility. In order to ensure projects that modify USACE constructed facilities continue to provide their intended benefits to the public, Congress mandated that any use or alteration of a Civil Works project by another party is subject to the approval of USACE through the Section 408 process (33 USC 408). District approvals of modifications to the Santa Ana River Levee may be subject to the Section 408 process. The Section 408 permit is required in addition to the Clean Water Act Section 404 permit and could add substantial delays to a project. 3

4. Please be advised that the project areas are located within a FEMA Special Flood Hazard Area (SFHA), including a floodway, as shown on the FEMA Flood Insurance Rate Maps (FIRM). Grading plans and improvements constructed in a 100-year floodplain are reviewed by the local land use agency and submitted to FEMA for review when necessary. For this project, the Cities of Jurupa Valley and Riverside and the County of Riverside are the local communities participating in the National Flood Insurance Program and are responsible for regulating the FEMA floodplains. Please contact Kyle Gallup at 951.955.1265 for more information about FEMA floodplains and the associated requirements. 4

5. Table 2-2 in Section 2.3.1 of the Draft EIR details the acreage of land ownership within the project area. The rights of way should be confirmed with the District during design of the proposed project. 5

Thank you for the opportunity to review the Draft EIR. Please forward the response to comments and any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to Jason Swenson at 951.955.8082 or me at 951.955.1306.

Very truly yours,

RANDY SHEPPEARD
Senior Flood Control Planner

ec: Kyle Gallup
Albert Martinez

JDS:mcv
P8\226085

11.8 Comment Letter 8: Wildlands

WILDLANDS

June 13, 2019

Via Electronic Mail

Heather Dyer, Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408
Email: uppersarrestoration@icf.com

Re: Comment on the Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program

Dear Ms. Dyer:

The following comments are submitted in response to the San Bernardino Valley Municipal Water District's Notice of Availability of the Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program ("Program") dated April 19, 2019.

As manager of the Lytle Creek Conservation Bank ("LCCB") located in the Lytle Creek wash area of San Bernardino County, Generally, we want to encourage the Program to support a preference for approved mitigation credits when available. The purchase of approved credits provides the Program with the most certainty for application to mitigation requirements.

LCCB has been established to provide habitat mitigation credits to compensate for unavoidable impacts to San Bernardino kangaroo rat (Dipodomys merriami parvus) ("SBKR") and Santa Ana River woollystar (Eriastrum densifolium ssp. sanctorum) ("SARW") by the U.S. Fish and Wildlife Service. LCCB is located in the alluvial floodplain and active channel of Lytle Creek, just downstream from the confluence of Lytle and Cajon Creeks. The entire Bank is located within an area designated by the U.S. Fish and Wildlife Service as Critical Habitat for the SBKR. Lytle Creek is a tributary to the Santa Ana River, which is identified as important habitat for the SARW.

In addition, the LCCB is pursuing coverage from the California Department of Fish and Wildlife to provide mitigation for Waters of the State and other sensitive habitat communities, providing additional regulatory mitigation coverage and utility for the Program and other Water District projects.

1

A key benefit mitigation credits offer the Program is a fixed cost solution which provides an accurate method of applying and tracking mitigation to under the Program. Once credits are purchased there are no trailing costs or obligations to account for and tracking the future use of credits from projects like LCCB is a service typically provided by the banker to the Program as part of the credit purchase.

Further, the purchase of existing credits will have benefits near term and longer term to the Program. With the possibility of purchasing existing credits in bulk, not only will the Program benefit from lower mitigation prices, but the market will respond by developing new projects to address future Program needs. This could spur competition with competing mitigation options which can lead to additional cost savings.

We appreciate the opportunity to provide San Bernardino Valley Municipal Water District with our views concerning the SBKR compensatory mitigation component of the Mitigation Reserve Program.

1 cont.

Sincerely,

Brian Monaghan
Senior Vice President

11.9 Comment Letter 9: Center for Biological Diversity

CENTER for BIOLOGICAL DIVERSITY Because life is good.

Protecting and restoring natural ecosystems and imperiled species through Science, education, policy, and environmental law

Via Electronic Mail

6/14/2019

Heather Dyer, Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way,
San Bernardino, CA 92408
uppersarrestoration@icf.com

Re: Comments on Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program.

Dear Ms. Dyer,

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the Notice of Availability (NOA) for the Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program. 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 over 1.4 million members and online activists throughout California and the United States. The Center has worked for several decades to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people and wildlife in along the Santa Ana River in Riverside County where this project is proposed.

The Project proposes to construct and maintain four tributary restoration sites in Riverside County that include Anza Creek, Old Ranch Creek, Lower Hole Creek, and Hidden Valley Creek. The Center is generally supportive of revegetation and enhancement opportunities for threatened and endangered species and their habitats and the project objectives as described (ES-4 to 5). The proposed project is complex. It includes four sites, with different land owners and managers and is proposed to eventually be wrapped into the larger Upper Santa Ana River Habitat Conservation Plan. The following comments address issues where the environmental review can be improved.

1

I. Alternatives

The proposed alternative is an ambitious project in itself, due to the complexities briefly described above. Alternative B, which also includes Evans Lake could provide additional benefits if implemented in a similar manner to the proposed project but may be best addressed in a supplemental or stand-alone CEQA review process once the outstanding water issues are addressed.

2

Ileene Anderson, Senior Scientist
660 S. Figueroa Street, Suite 1000, Los Angeles, California 90017
tel: (213) 785 -5407 *email*: ianderson@biologicaldiversity.org
www.BiologicalDiversity.org

II. Proposed Project Sites and Conservation Land Use and Zoning

While Lower Hole Creek and Hidden Valley Creek proposed restoration areas are already primarily owned by the State of California's Department of Fish and Wildlife, and "Valley District or its designee would be the mitigation/conservation bank owners", it is unclear if that includes the actual land ownership. While we recognize that some type of "real estate instrument such as a conservation easement, deed restriction, or restrictive covenant" will be filed, and in our experience title searches during title transfers have not always picked up these conservation restrictions, and unfortunately leading to developments on conservation lands. 3

In the DEIR, we could not locate confirmation of the underlying land use designation. If the underlying land use designation is not currently identified for conservation purposes, a land use zoning change to such a designation is needed as an additional safeguard.

III. Missing Plans

The DEIR refers to a number of plans that will be developed in the future to assure that mitigation/conservation is realized. While some of the plans require agency approval, the public are effectively shut out of the review process for this critical part of the review process. Such plans include but are not limited to: 4

- Dewatering plans
- Nesting bird management plan
- Integrated weed management plan
- Archaeological monitoring plan
- Site specific management plans with goals that reflect the Project Objectives.

Regarding the Integrated weed management plan (IWMP), as mentioned in our scoping comments, the Santa Ana River and its tributaries are legendary for the infestations of invasive exotics including but not limited to *Arundo donax*. While the IWMP would no doubt include reductions in exotics at the restoration sites, if exotic vegetation and particularly *A. donax* is not controlled in a systematic and comprehensive manner – eliminating it from the headwaters downstream – it will continue to be an on-going control/removal issue. If the revegetation sites are re-infested, no additional mitigation credits should be given.

IV. Water Resources

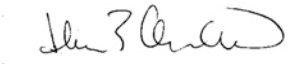
The DEIR provides vague assurances that adequate water quantities will be available to support the enhancement, revegetation and restoration efforts in perpetuity. Absent solid legal agreements, the objectives of the DEIR may be unfulfilled. Despite the statement that "Valley District has enough water supplies in the San Bernardino Basin Area to exchange the groundwater anticipated to be used by the proposed project within the Riverside Public Utilities service area." (at pg. ES-70). In section 3.8 the DEIR states "Valley District is currently working on a water exchange agreement with RPU to construct the groundwater wells within its service area and pump up to 4,501 AFY to supply groundwater to the Hidden Valley Creek and Old Ranch Creek channels." (at 3.8-33) Our presumption is that the proposed water exchange does not affect upstream resources yet could not find confirmation in the DEIR. Several concerns remain including 1) this agreement is not final and is key for the Hidden Valley Creek and Old 5

Ranch Creek projects to move forward and 2) because of the provisional nature of this agreement, it is unclear if this agreement would be in perpetuity or has a sunset date. Absent adequate water in perpetuity, these proposed projects are infeasible. 5 cont.

V. Conclusion

Thank you for the opportunity to submit these comments on the Draft Environmental Impact Report for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program. We look forward to working with you to assure that Project EIR conforms to the requirements of state and federal law and to assure that all significant impacts to the environment are fully analyzed, avoided, minimized or if necessary mitigated. Please do not hesitate to contact the Center with any questions at the number listed below. 6

Sincerely,



Ileene Anderson
Senior Scientist
Center for Biological Diversity

cc:
Karin Cleary-Rose, USFWS karin_cleary-rose@fws.gov
Heather Pert, CDFW Heather.Pert@wildlife.ca.gov

11.10 Comment Letter 10: California Department of Fish and Wildlife

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 14, 2019

Heather Dyer
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way, San Bernardino, CA 92408
uppersarrestoration@icf.com

Draft EIR for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program (SCH# 2018071074)

Dear Ms. Dyer:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Notice of Completion for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program (herein referred to as 'Project) Draft Environmental Impact Report (DEIR). The Project includes the reestablishment, enhancement, rehabilitation, and/or preservation jurisdictional aquatic resource habitat and/or improve conditions for Santa Ana sucker within four Santa Ana River tributaries, including; Anza Creek, Old Ranch Creek, Lower Hole Creek, and Hidden Valley Creek. In addition, San Bernardino Valley Municipal Water District (Valley District) proposes to create a Mitigation Reserve Program. The Project occurs in the cities of Riverside and Jurupa Valley, Riverside County.

CDFW 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).

CDFW 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). CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect biological resources. As a Trustee Agency, the CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

1

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following: 1 cont.

Western Riverside Multispecies Habitat Conservation Plan

According to the DEIR (Section 2.5 Project Objectives), the main purpose of the Project is "to create new or improved aquatic habitat for native aquatic species - the federally listed as threatened Santa Ana sucker (*Catostomus santaanae*) and the state species of special concern arroyo chub (*Gila orcutti*) - in order to improve current status and security of the populations, as well as, improve long-term hydrologic function to create and enhance sustaining native fish habitat". A *Preliminary Design Report* was prepared that analyzed the historical and current site conditions at the four proposed Project sites. These designs were refined to maximize benefits for other threatened/endangered species, with prioritization given to Santa Ana sucker (DEIR, Appendix A). Lastly, the restoration opportunities were evaluated to address other threatened/endangered species' habitat needs, as well as additional opportunities to enhance aquatic resources (EIR Appendix B). The Project's four locations, Anza Creek, Old Ranch Creek, Lower Hole Creek, and Hidden Valley Creek occur within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan). The MSHCP focuses on conservation of 146 species and will result in conservation in excess of 500,000 acres (termed herein 'Conservation Area'). The MSHCP Conservation Area includes approximately 347,000 acres on existing Public/Quasi-Public Lands and approximately 153,000 acres of Additional Reserve Land. The Conservation Areas are refined into different management and biological units – Core Areas, Linkages, Non-contiguous Habitat Blocks, Criteria Area, and Cells. Core Areas have the right resources to provide live-in habitat and support the life history requirements of one or more species covered by the MSHCP. Some of the Core Areas were part of the 347,000 acres of Public/Quasi-Public Lands that formed initial reserves. The Criteria Area is habitat adjoining the Core Areas, Non-contiguous Habitat Blocks, and Linkages and is the heart of the MSHCP. Species either live there or travel through when moving from one area of conserved habitat to another. The acres needed to meet the MSHCP's goal of a half-million acres of reserves comes from this land. 2

The Anza Creek/Old Ranch Creek Restoration Site occurs within MSHCP Criteria Cell 621 and the Lower Hole Restoration Site with Criteria Cell 617. The Hidden Valley Restoration Site does not occur in a Criteria Cell. All sites occur within an Existing Core Area and a Core Linkage Area and are considered Public/Quasi-Public Lands. Some of the 146 species are considered Covered Species adequately conserved, but certain surveys and other considerations are required. For certain Covered Species and their habitat, documentation that a particular project alternative will be biologically equivalent or superior may be needed that is consistent with the guidelines and thresholds

established in the MSHCP policies for the *Protection of Species Associated with Riparian/ Riverine Areas and Vernal Pools* set forth in MSHCP Section 6.1.2, *Protection of Narrow Endemic Plant Species* set forth in MSHCP Section 6.1.3, *Additional Survey Needs and Procedures* (MSHCP Section 6.3.2), and the *Criteria Refinement Process* (MSHCP Section 6.5). More specifically, if it is determined that 90% of riparian/riverine habitat (MSHCP Section 6.1.2), narrow endemic plant species (MSHCP Section 6.1.3), and burrowing owl(s) (MSHCP Section 6.3.2) cannot be avoided within the Project, a Determination of Biologically Equivalent or Superior Preservation (DBESP) document should be prepared to ensure replacement of any lost functions and values of habitat as it relates to MSHCP Covered Species (refer to Enclosure 1). The DBESP should be submitted to CDFW MSHCP staff for a 60-day review and response period. 2 cont.

According to the MSHCP (Volume 2, Section B - Species Accounts), because of its specific habitat conditions, occurrence in few locations and in low densities, the Santa Ana sucker will need site specific considerations and management at known locations (e.g., Anza Park Drain, Arroyo Tequesquite, Hidden Valley Drain, and Evans Lake Drain). While the Santa Ana sucker is identified within the MSHCP as needing species specific conservation objectives, several Covered Species have been targeted as having similar conservation goals and strategies. Similarly, the protection of Covered Species associated with Riparian/Riverine Areas and Vernal Pools policies (MSHCP Volume I Section 6.1.2) are to be implemented for the benefit of many species associated with this habitat type. Because the proposed Project is located within the MSHCP, CDFW recommends that all relevant Covered Species be included in the DEIR. Refer to Enclosure 2 for a comprehensive list of potential species that should be included. 3

CDFW would also like to note that while the MSHCP identifies 'Riparian and Vernal Pool' species as benefitting from riparian habitat conservation, 'riparian habitat' encompasses many vegetation communities (e.g. cattail marsh, mulefat scrub, etc.), as well as, finer landscape scale differences (e.g. pooling, substrate). For example, where the Santa Ana sucker may require a certain depth of water, water flow rate, and percent of shade canopy, the tricolored blackbird (*Agelaius tricolor*) would need dense cattails with open surrounding foraging habitat. Also, while logs may be utilized for both the Santa Ana sucker (create substrate) and western pond turtle (*Actinemys marmorata*) (basking), the pools that would be used for the western pond turtle may cause an increase in Santa Ana sucker predation from nonnative American bullfrogs (*Rana catesbeiana*). Therefore, CDFW believes that it is important when contemplating a large restoration project, the focus and priority to not be on a particular species; but rather, consider the complex ecological interaction within the overall design and execution. 4

<u>The Upper Santa Ana River Tributaries Restoration Project Mitigation Reserve Program</u>

The Riverside Water Quality Control Plant (RWQCP), which was constructed in 1946, has released water into the Santa Ana River. The Hidden Valley Gun Club was 5

established in 1957, with roads and pond structures (e.g. dikes, diversion channels) being created to capture water from the RWQCP to sustain waterfowl habitat. The Hidden Valley Gun Club was in operation until 1974, when CDFW purchased the 1,500-acre property (herein termed 'Hidden Valley Wildlife Area', HVWA). Within the HVWA, 171 acres has been managed by the County of Riverside Parks and Open Space Department (County) in behalf of CDFW since 1974 under a 50-year cooperative management agreement (agreement). In 1991, the Water Quality Control Plan for the Santa Ana River Basin Plan adopted a revised total inorganic nitrogen (TIN) wasteload allocation (Resolution No. 91-125) to include areas outside of Prado Dam. Shortly after, the City of Riverside received a revised National Pollutant Discharge Elimination System (NPDES) permit for the operation of the RWQCP that contained an interim limit of Nitrate (20 mg/L) until May 1, 1995. During a routine sampling study, City personnel discovered that effluent from RWQCP was being diverted to a system of old constructed duck ponds in the HVWA. In the interim before the newly imposed TIN requirements were set to take effect, various studies were conducted to determine the efficiency of wetlands as a treatment system of removing nitrogen. The positive results of these studies, along with the California Wetlands Conservation Policy that was announced by the Governor (August 1993) that established the primary goal of increasing wetland conservation throughout the state, encouraged the County and City of Riverside to enter into a Memorandum of Understanding (MOU) in 1993 to "enhance 70 acres of wetland habitat in portions of Hidden Valley" (termed herein as 'Hidden Valley Constructed Wetlands'). The agreement and MOU will both expire on May 27, 2024.

5 cont.

A *Hidden Valley Wetlands Enhancement Project Operation and Maintenance Manual* (1995) was prepared by the City of Riverside for the Riverside County Parks and regulatory permits were acquired for the construction, operation, and maintenance of the Hidden Valley Constructed Wetlands (See Enclosure 3). According to the *Hidden Valley Wetlands Enhancement Project Operation and Maintenance Manual*, the City of Riverside would be responsible for the restoration of approximately 37 acres of construction wetlands, including four large 7.5 acre ponds (ponds 6 through 9) ranging from 2 to 5 feet deep and five small 1.4 acre ponds (ponds 10 through 14), each about 2 feet deep located along the southern edge that are known as "Bluff Ponds". Approximately 23 acres previously used for agriculture would also be created/restored to wetlands. In addition, two influent structures were created/modified. Influent Structure I (Splitter Box) was modified by repairing the damaged walls, constructing new stop logs for both outlet sides for flow control, and extending the concrete channel by 120 feet with wing walls and rip-rap. Influent Structure 2 included the construction of: a new concrete influent structure, 48-inch inlet pipe with culvert and wing walls, a structure, approximately 100 ft^2 in area and 10.5 ft deep to facilitate diversions and the collection of silt, an upward opening slide gate on the structure inlet to control flow, two outlet chambers, each 10x 4 x 10.5 ft, with downward opening slide gates for flow diversion, a 36-inch reinforced concrete pipe (RCP) outlet and upward opening slide gate to divert and control flow to the large ponds (ponds 1 through 9), two 48-inch culverts with wing walls and rip-rap, gravel pad and gates, and an18-inch RCP outlet and upward opening

6

slide gate to divert and control flow to the small bluff ponds (ponds 10 through 14). Finally, a sand and earth conveyance channel, approximately 1500 feet in length, replaced an existing culvert between Influent 1 and 2. A sand levee was constructed along the southern portion of the Santa Ana River to direct a portion of tertiary-treated effluent from the RWQCP to the constructed channel into the Hidden Valley Constructed Wetlands (See Enclosure 4). The City of Riverside is responsible for "providing upkeep and maintenance of any and all the ponds placed in its service, including the dikes, trails, and all City installed improvements of any kind" (MOU, 1974).

The maintenance of the sand dike was necessary to preserve the integrity of the conveyance channel and ensure the transport of tertiary-treated effluent from the RWQCP to the HVCW. The dike and channel were subject to seasonal damage due to high flows in the Santa Ana River and needed to be periodically reestablished. According to Google Earth imagery, the dike was removed sometime between October and May 2005 and was not present again until June 2006. The dike was present for a few months, followed by its absence from August 2006 until June 2009. A storm occurred in December 2010, causing the removal of the sand berm, damage to the diversion infrastructure, and lowering of the riverbed by approximately 8 feet, making it impossible for water to naturally be conveyed using gravity into Hidden Valley Constructed Wetlands. In 2013, issuance of Riverside Regional Water Quality Control Order (No. R8-2006-0009 R8-2013-0016) and NPDES (No. CA01053502) to the RWQWP only allowed TIN levels less than 10 mg/l for all water discharge flow amounts, leading the City of Riverside to upgrade the RWQCP to meet the more restrictive water quality demands. No longer needed to filtrate nutrients and pollutants for the City of Riverside, the wetland and riparian habitat have been declining/disappearing in acreage and biological function since 2010. 6 cont.

The proposed Project involves the participation and coordination of multiple federal, state, regional, and state entities and regulations. According to the DEIR, "the identification of restoration opportunities utilized a top-down approach beginning with a high-level evaluation of ecological conditions to identify restoration opportunities *within the existing land use constraints*". Nearly all the land at the Lower Hole and Hidden Valley Restoration Sites is owned by CDFW. CDFW feels the background of the HVWA with its' multifaceted history and management obligations may have been lacking and suggests that the DEIR (Section 2.4.3 Hidden Valley Creek) elaborate on how the Project will be consistent with CDFW's goals anticipated in the *Hidden Valley Wetlands Enhancement Project Operation and Maintenance Manual* (1995).

Riverside County owns most of the parcels within the Anza Creek and Old Ranch Creek Restoration Sites, while some land along the eastern boundary adjacent to the closed Tequesquite landfill is owned by the City of Riverside. CDFW assumes that coordination between Valley District and the landowners, the County and City of Riverside, has been initiated. The County (i.e. Food Control and Water Conservation District, Riverside County Parks and Open-Space District, and Riverside County Department of Waste 7

Resources) and City of Riverside are Partners/Members within the MSHCP. CDFW is unclear how Valley District will be authorized under MSHCP for the Project. The DEIR should indicate whether Valley District will be a Participating Special Entity or will rely on one of the Upper Santa Ana River Habitat Conservation Plan participants who is also an MSHCP Permittee for MSHCP coverage. 7 cont.

Also, the DEIR (Section 2.7 Mitigation Reserve Program Project Components) states that "the site protection mechanism would preclude establishment of fuel modification zones, road crossings, paved public trails, maintained public trails, maintenance access roads, and future easements within USACE/CDFW/RWQCB jurisdiction other than those identified in the existing proposal". CDFW will need to understand if the local county entities, such as Flood Control and Water Conservation District, Northwest Mosquito and Vector Control District, and Riverside County Fire agree that public safety measures will not be warranted or are willing to coordinate to reduce the risk while still maintaining the primary conservation goals and ecological values. 8

CDFW appreciates the opportunity to comment on the Upper Santa Ana River Tributaries Restoration Project Mitigation Reserve Program Project DEIR. Questions regarding this letter or further coordination should be directed to Kim Romich, Senior Environmental Scientist at 909-980-3818 or Kimberly.Romich@wildlife.ca.gov.

Sincerely,

Scott Wilson

Scott Wilson
Environmental Program Manager
Inland Deserts Region

Enclosures

Enclosure 1 – Table of Covered Species protected within the Project
Enclosure 2 – Table of Covered Species within the Upper Santa Ana and Western Riverside MSHCPs and the Project
Enclosure 3 – Table of regulatory permits acquired for the Hidden Valley Constructed Wetlands Project
Enclosure 4 – Map of the Hidden Valley Wetlands Enhancement Project

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ec: Kim Romich, Senior Environmental Scientist
California Department of Fish and Wildlife

Enclosure 1. A table of Covered Species protected within the Upper Santa Ana River Tributaries Restoration Project Mitigation Reserve Program.

MSHCP Species	Protection of Species Associated with Riparian/Riverine Areas (MSHCP Volume I Section 6.1.2)	Protection of Narrow Endemic Plant Species (MSHCP Volume I Section 6.1.3)
Fish		
Arroyo Chub	X	
Santa Ana Sucker	X	
Reptiles		
Western Pond Turtle	X	
Birds		
American Bittern	X	
Black-crowned Heron	X	
Burrowing Owl		
Copper's Hawk	X	
Double-crested Cormorant	X	
Downy Woodpecker	X	
Least Bell's Vireo	X	
Osprey	X	
Peregrine Falcon	X	
Southwestern Willow Flycatcher	X	
Tree Swallow	X	
Tricolored Blackbird		
Western Yellow-billed Cuckoo	X	
White-tailed Kite	X	
White-faced Ibis	X	
Yellow-breasted Chat	X	
Yellow Warbler	X	
Plants		
Brand's Phacelia		X
San Diego Ambrosia		X
San Miguel Savory		X

Enclosure 2. A comprehensive table of Covered Species within the Upper Santa Ana and Western Riverside Multispecies Habitat Conservation Plans that may occur, or have the potential to occur, within the sites designated in the Upper Santa Ana River Tributaries Restoration Project Mitigation Reserve Program.

	Upper Santa Ana Covered Species	Western Riverside Covered Species				Suitability					Mitigation[2]				Comments
		Anza Creek Criteria Cell Species	Old Ranch Creek Criteria Cell Species	Lower Hole Creek Criteria Cell Species	Core A Planning Species	Anza Creek	Old Ranch Creek	Lower Hole Creek	Hidden Valley Creek	Source[1]	Anza Creek/Old Ranch	Lower Hole Creek	Hidden Valley Creek-Wetlands	Hidden Valley Creek-Pond	
FISH															
Santa Ana Sucker	X	X	X	X	X	S	S	S	R	EIR Table 3.3-3	➢ Rehabilitate 3,100 ft of lotic aquatic habitat; ➢ Establish 3,750 ft of lotic aquatic habitat; ➢ Establish 5,900 ft of lotic aquatic habitat; ➢ Establish 0.75 ac of new floodplain and riparian habitat; ➢ Restore 0.8 ac of riparian; ~~➢ Restore 2.2 ac of CSS;~~ ~~➢ Remove 26 ac of palms;~~ ~~➢ Remove 23 ac of nnative sunflower~~	➢ 2,200 ft of lotic aquatic habitat; ➢ Restore 5.5 ac of riparian habitat; ➢ Reestablish ~1 ac of floodplain/ riparian habitat; ➢ Restore 0.11 ac of riparian habitat; ➢ Control access ~~to 11 ac upland and~~ 6 ac riparian habitat	➢ Restore 3,320 ft of aquatic lotic habitat ➢ Enhance 6.6 ac of riparian habitat ➢ Enhancement of entire site (112 ac) ➢ Control access to 112 ac	➢ Restore 400+ ft of aquatic lotic habitat ➢ Enhance / preserve up to 10,000 ft of channel and 20 ac of riparian habitat ➢ Restore up to 10,000 ft of channel targeting Santa Ana sucker ➢ Enhancement site (85+ ac)	May want to add species to EIR Section 3.3-104. May want to remove mitigation that does t necessarily pertain to this species.
						S	S	S	- R	EIR Appendix B Section 3.3.1.2 (3-31; 3.4.1.2 (3-50); and Table 2.1					
						Moderate potential	Moderate potential	Poor/Moderate potential	N/A (Poor)	EIR Section 3.3-79, 93, and 104					
Arroyo Chub	X	X	X	X	X	S	S	S	R	EIR Table 3.3-3	Same as above	Same as above	Same as above	Same as above	Same as above
						S	S	S	- R	EIR Appendix B Section 3.3.1.2 (3-31; 3.4.1.2 (3-50); and Table 2.1					
						High potential	High potential	Poor/Moderate potential	N/A (Poor)	EIR Section 3.3-79 and 93					
Santa Ana Speckled Dace	X					R	R	R	R	EIR Table 3.3-3	Same as above	Same as above	Same as above	Same as above	May want to add species to EIR Section 3.3-79,93, and 104. May want to remove mitigation that does t necessarily pertain to this species.
						R	R	R	R	EIR Appendix B Section 3.3.1.2 (3-31) and Table 2.1					
						N/A (Poor)	N/A (Poor)	N/A (Poor)	N/A (Poor)	EIR Section 3.3-79, 93, and 104					
REPTILES															

Western Pond Turtle	X	X	X	X	X	S	S	S (S/R)	S	EIR Table 3.3-3	➢ Rehabilitate 3,100 ft of lotic aquatic habitat; ➢ Establish 3,750 ft of lotic aquatic habitat; ➢ Establish 5,900 ft of lotic aquatic habitat; ➢ Establish 0.75 ac of new floodplain and riparian habitat; ➢ Restore 0.8 ac of riparian; ➢ ~~Restore 2.2 ac of CSS;~~ ➢ Remove 26 ac of palms; ➢ Remove 23 ac of nnative sunflower ➢ Reestablish between 6 and 23 acres of active floodplain and riparian habitat, and potentially establish an oxbow feature	➢ 2,200 ft of lotic aquatic habitat; ➢ Restore 5.5 ac of riparian habitat; ➢ Reestablish ~1 ac of floodplain with riparian habitat; ➢ Restore 0.11 ac of riparian habitat; ➢ Control access to 11 ac of upland and 6 ac of riparian habitat; ➢ Restore 10.59 ac of CSS	➢ Restore 3,320 ft of aquatic lotic habitat ➢ Enhance 6.6 ac of riparian habitat ➢ Restore 18.5 ac of floodplain terrace ➢ Enhancement of entire site (112 ac) ➢ Control access 112 ac ➢ Establish ~1.5 ac of lentic aquatic habitat and 1 ac riparian habitat	➢ Restore 400+ ft of aquatic lotic habitat ➢ Restore ~ 17 ac of previously enclosed ponds to floodplain ➢ Restore ~ 6 ac of previously enclosed ponds to transition habitat ➢ Restore 53.3 ac of ponds to support open water/ marsh ➢ Enhance and preserve up to 10,000 ft of channel and 20 ac of riparian habitat ➢ Restore up to 10,000 ft of channel ~~targeting Santa Ana sucker~~ ➢ Enhance site (85+ ac)	Lower Hole has potential that varies, indicating that restoration may be warranted. This is further substantiated by establishment/restoration measures. Also, if there is high potential, then it should be suitable within Hidden Valley, which it states in EIR Appendix B Section 3.4.1.2 (pg. 3-50) May want to remove mitigation that does t necessarily pertain to this species.
						S	S	S (S/R)	R (S)	EIR Appendix B Section 3.3.1.2 (3-31; 3.4.1.2 (3-50); and Table 2.1				
						High potential	High potential	Potential varies	High potential	EIR Section 3.3-80, 93, 107				
Two Striped Garter Snake	X					S	S	S (S/R)	S	EIR Table 3.3-3	➢ Rehabilitate 3,100 ft of lotic aquatic habitat; ➢ Establish 3,750 ft of lotic aquatic habitat; ➢ Establish 5,900 ft of lotic aquatic habitat; ➢ Establish 0.75 ac of new floodplain and riparian habitat; ➢ Restore 0.8 ac of riparian; ➢ Restore 2.2 ac of CSS;	➢ 2,200 ft of lotic aquatic habitat; ➢ Restore 5.5 ac of riparian habitat; ➢ Reestablish ~1 ac of floodplain with riparian habitat; ➢ Restore 0.11 ac of riparian habitat; ➢ Control access to 11 ac of	➢ Restore 3,320 ft of aquatic lotic habitat ➢ Enhance 6.6 ac of riparian habitat ➢ Restore 18.5 ac of floodplain terrace ➢ Enhancement of entire site (112 ac)	➢ Restore 400+ ft of aquatic lotic habitat ➢ Restore ~ 17 ac of previously enclosed ponds to floodplain ➢ Restore ~ 6 ac of previously enclosed ponds to	Same as above
						S	S	S (S/R)	R (S)	EIR Appendix B Section 3.3.1.2 (3-31; 3.4.1.2 (3-50); and Table 2.1				
						Moderate potential	Moderate potential	Potential varies	High potential	EIR Section 3.3-80, 93, 107				

											➢ Remove 26 ac of palms; ➢ Remove 23 ac of nnative sunflower ➢ Reestablish between 6 and 23 acres of active floodplain and riparian habitat, and potentially establish an oxbow feature	upland and 6 ac of riparian habitat; ➢ Restore 10.59 ac of CSS	➢ Control access 112 ac ➢ Establish ~1.5 ac of lentic aquatic habitat and 1 ac riparian habitat	transition habitat ➢ Restore 53.3 ac of ponds to support open water/ marsh ➢ Enhance and preserve ➢ up to 10,000 ft of channel and 20 ac of riparian habitat ➢ Restore up to 10,000 ft of channel ~~targeting Santa Ana sucker~~ ➢ Enhance site (85+ ac)	
BIRDS															
Burrowing Owl	X	X	X		X	-	-	R	-	EIR Table 3.3-3	N/A	N/A	N/A	N/A	Lower Hole indicated that restoration may be done to improve the low potential for burrowing owl, yet measures are included. May want to include mitigation measures for Lower Anza/Old Ranch since it is a criteria cell planning species within the Western Riverside MSHCP criteria cell 621. Also, may want to add within EIR Section 3.3-80, 93, 107 that there is suitability.
						-	-	R	-	EIR Appendix B					
						N/A (-)	N/A (-)	Low	N/A (-)	EIR Section 3.3-31					
Yellow-breasted Chat	X	X	X	X	X	*S	*S	S	*S	EIR Table 3.3-3	➢ ~~Rehabilitate 3,100 ft of lotic aquatic habitat;~~ ➢ ~~Establish 3,750 ft of lotic aquatic habitat;~~ ➢ ~~Establish 5,900 ft of lotic aquatic habitat;~~	➢ Restore 5.5 ac of riparian habitat; ➢ Reestablish ~1 ac of floodplain with riparian habitat; ➢ Restore 0.11 ac of riparian habitat;	➢ ~~Restore 3,320 ft of aquatic lotic habitat~~ ➢ Enhance 6.6 ac of riparian habitat ➢ ~~Restore 18.5 ac of~~	➢ ~~Restore 400+ ft of aquatic lotic habitat~~ ➢ ~~Restore ~ 17 ac of previously enclosed ponds to floodplain~~	May want to include high suitability/presence within EIR Sections 3.3-80, 93, 107. May want to remove mitigation that does t necessarily pertain to this species.
						Present	Present	S	Present	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1					
						N/A (High potential)	N/A (High potential)	Low	N/A (High potential)	EIR Section 3.3-80, 93, 107					

											➢ Establish 0.75 ac of new floodplain and riparian habitat; ➢ Restore 0.8 ac of riparian; ➢ ~~Restore 2.2 ac of CSS;~~ ➢ Remove 26 ac of palms; ➢ ~~Remove 23 ac of nnative sunflower~~ ➢ Reestablish between 6 and 23 acres of ~~active floodplain/~~riparian habitat ~~and potentially establish an oxbow feature~~	➢ Control access to ~~11 ac of upland and~~ 6 ac of riparian habitat; ➢ ~~Restore 10.59 ac of CSS~~	~~floodplain terrace~~ ➢ Enhancement of entire site (112 ac) ➢ Control access 112 ac ➢ ~~Establish ~1.5 ac of lentic aquatic habitat and~~ 1 ac riparian habitat	➢ ~~Restore ~ 6 ac of previously enclosed ponds to transition habitat~~ ➢ ~~Restore 53.3 ac of ponds to support open water/ marsh~~ ➢ Enhance and preserve up ~~to 10,000 ft of channel and~~ 20 ac of riparian habitat ➢ ~~Restore up to 10,000 ft of channel targeting Santa Ana sucker~~ ➢ Enhance site (85+ ac)	
Least Bell's Vireo	X	X	X	X	X	*S	*S	*S	*S	EIR Table 3.3-3	➢ ~~Rehabilitate 3,100 ft of lotic aquatic habitat;~~ ➢ ~~Establish 3,750 ft of lotic aquatic habitat;~~ ➢ ~~Establish 5,900 ft of lotic aquatic habitat;~~ ➢ Establish 0.75 ac of new floodplain and riparian habitat; ➢ Restore 0.8 ac of riparian; ➢ ~~Restore 2.2 ac of CSS;~~ ➢ Remove 26 ac of palms; ➢ ~~Remove 23 ac of nnative sunflower~~ ➢ Reestablish between 6 and 23 acres ~~of active floodplain/~~riparian habitat ~~and~~	➢ Restore 5.5 ac of riparian habitat; ➢ Reestablish ~1 ac of floodplain with riparian habitat; ➢ Restore 0.11 ac of riparian habitat; ➢ Control access to ~~11 ac of upland and~~ 6 ac of riparian habitat; ➢ ~~Restore 10.59 ac of CSS~~	➢ ~~Restore 3,320 ft of aquatic lotic habitat~~ ➢ Enhance 6.6 ac of riparian habitat ➢ ~~Restore 18.5 ac of floodplain terrace~~ ➢ Enhancement of entire site (112 ac) ➢ Control access 112 ac ➢ ~~Establish ~1.5 ac of lentic aquatic habitat and~~ 1 ac riparian habitat	➢ ~~Restore 400+ ft of aquatic lotic habitat~~ ➢ ~~Restore ~ 17 ac of previously enclosed ponds to floodplain~~ ➢ Restore ~ 6 ac of previously enclosed transition habitat ➢ ~~Restore 53.3 ac of ponds to support open water/ marsh~~ ➢ Enhance and preserve up to 10,000 ft of channel	May want to remove mitigation that does t necessarily pertain to this species.
						Present	Present	S	S	EIR Appendix B Section 3.2.2.6 (3-13); Section 3.3.1.2 (3-31); and Table 2.1					
						Present	Present	Present	Present	EIR Section 3.3-80, 93, 107					

											~~potentially establish an oxbow feature~~			and 20 ac of riparian habitat ➢ ~~Restore up to 10,000 ft of channel targeting Santa Ana sucker~~ ➢ Enhance site (85+ ac)	
California Gnatcatcher	X					R R Low	R R Low	S (R) R Low	- R (-) t Suitable	EIR Table 3.3-3 EIR Appendix B EIR Section 3.3-31	➢ ~~Restore 0.8 ac of riparian~~ ➢ Restore 2.2 acres of CSS	-	-	-	May want to update sections/tables for consistency; remove riparian restoration as benefit for this species. May want to remove mitigation that does t necessarily pertain to this species.
Tricolored Blackbird	X				X	N/A (-) - N/A (potential)	N/A (-) - N/A (potential)	N/A (-) - N/A potential	N/A (R) R N/A Low potential	N/A EIR Appendix B EIR Section 3.3-80, 93, 107	-	-	-	➢ 17 ac of previously ponds to floodplain ➢ Restore 53.3 ac of ponds to support a variety of habitats including open water/marsh ➢ Enhance and preserve	May want to add tricolored blackbird to EIR Table 3.3-3 and within sections 3.3-80, 93, 107
Southwestern Willow Flycatcher	X	X	X	X	X	N/A (S) S Present	N/A (S) S Present	N/A (S) S Low	N/A (S) S Poor/Moderate potential	EIR Table 3.3-3 EIR Appendix B EIR Section 3.3-80, 93, 107	➢ ~~Rehabilitate 3,100 ft of lotic aquatic habitat;~~ ➢ ~~Establish 3,750 ft of lotic aquatic habitat;~~ ➢ ~~Establish 5,900 ft of lotic aquatic habitat;~~ ➢ Establish 0.75 ac of new floodplain and riparian habitat; ➢ Restore 0.8 ac of riparian;	➢ Restore 5.5 ac of riparian habitat; ➢ Reestablish ~1 ac of floodplain with riparian habitat; ➢ Restore 0.11 ac of riparian habitat; ➢ Control access ~~to 11 ac of upland and~~ 6	➢ ~~Restore 3,320 ft of aquatic lotic habitat~~ ➢ Enhance 6.6 ac of riparian habitat ➢ ~~Restore 18.5 ac of floodplain terrace~~	➢ ~~Restore 400+ ft of aquatic lotic habitat~~ ➢ ~~Restore ~ 17 ac of previously ponds to floodplain~~ ➢ ~~Restore ~ 6 ac of previously ponds to~~	May want to include flycatcher in EIR Table 3.3-3. May want to check that EIR Figure 3.3-6 is intended to include southwestern willow flycatcher and if this is accurate, include in EIR Section 3.3-80

						Present	Present	-	-	EIR Figure 3.3-6	~~➢ Restore 2.2 ac of CSS;~~ ➢ Remove 26 ac of palms; ~~➢ Remove 23 ac of nnative sunflower~~ ➢ Reestablish between 6 and 23 acres ~~of active floodplain/~~riparian habitat ~~and potentially establish an oxbow feature~~	ac of riparian habitat; ➢ ~~Restore 10.59 ac of CSS~~	➢ Enhancement of entire site (112ac) ➢ Control access 112 ac ➢ ~~Establish ~1.5 ac of lentic aquatic habitat~~ and 1 ac riparian habitat	~~transition habitat~~ ➢ ~~Restore 53.3 ac of ponds to support open water/ marsh~~ ➢ Enhance and preserve up to 10,000 ft of channel and 20 ac of riparian habitat ➢ ~~Restore up to 10,000 ft of channel targeting Santa Ana sucker~~ ➢ Enhance site (85+ ac)	
Western Yellow-billed Cuckoo	X	X	X	X	X	N/A (R) R N/A (Low)	N/A (R) R N/A (Low)	N/A (R) R Low	N/A (R) R N/A (Low)	EIR Table 3.3-3 EIR Appendix B EIR Section 3.3-80, 93, 107	~~➢ Rehabilitate 3,100 ft of lotic aquatic habitat;~~ ~~➢ Establish 3,750 ft of lotic aquatic habitat;~~ ~~➢ Establish 5,900 ft of lotic aquatic habitat;~~ ➢ Establish 0.75 ac of new floodplain and riparian habitat; ➢ Restore 0.8 ac of riparian; ~~➢ Restore 2.2 ac of CSS;~~ ➢ Remove 26 ac of palms; ~~➢ Remove 23 ac of nnative sunflower~~ ➢ Reestablish between 6 and 23 acres ~~of active floodplain/~~riparian habitat ~~and potentially establish an oxbow feature~~	-	-	-	If restoration can occur as indicated in EIR Appendix B Table 2.1 for the cuckoo. May want to include in EIR Table 3.3-3 and Sections 3.3-80 and 107

White -tailed Kite		X	X	X		S	S	S	S	EIR Table 3.3-3	N/A	N/A	N/A	N/A	This is a western Riverside criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/ benefit from the project. It is included in the EIR Table 3.3-3. and Section 3.3-80 and 93 but may want to include in section 3.3-107, as well as, mitigation measures.
						N/A	N/A	N/A	N/A	EIR Appendix B					
						Moderate potential	Moderate potential	Poor/Moderate potential	(Poor/Moderate potential)	EIR Section 3.3-80, 93, 107					
Yellow Warbler		X	X		X	S (*)	S (*)	S	S (*)	EIR Table 3.3-3	N/A	N/A	N/A	N/A	This is a western Riverside criteria cell planning species for Anza/Old Ranch (criteria cell 621) and Lower Hole (Criteria Cell 617) that may be impacted/benefit from the project. May want to add * to Table 3.3-3 since species is present, as well as, mitigation measures.
						Present	Present	N/A	Present	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1					
						Present	Present	Poor/Moderate	Present	EIR Section 3.3-80, 93, 107					
Loggerhead Shrike		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1 and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.			
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1					
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107					
Osprey		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.			
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1					
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107					
Black-crowned Night Heron		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.			
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1					
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107					
		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3					

Cooper's Hawk						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107	
Double-crested Cormorant		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107	
Downy Woodpecker		X	X		X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) and Lower Hole (Criteria Cell 617) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures is a criteria cell planning species within the Western Riverside MSHCP criteria cell 621.
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107	
Peregrine Falcon		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107	
Tree Swallow		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107	
White-faced Ibis		X	X	X	X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A and criteria cell planning species for Anza/Old Ranch (criteria cell 621) that may be impacted/benefit from the project. It is included in the EIR Table 3.3-1. and Section 3.3-8 but may want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107	
American Bittern					X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A that may be impacted/benefit from the project. May want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107	
Cactus Wren					X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	

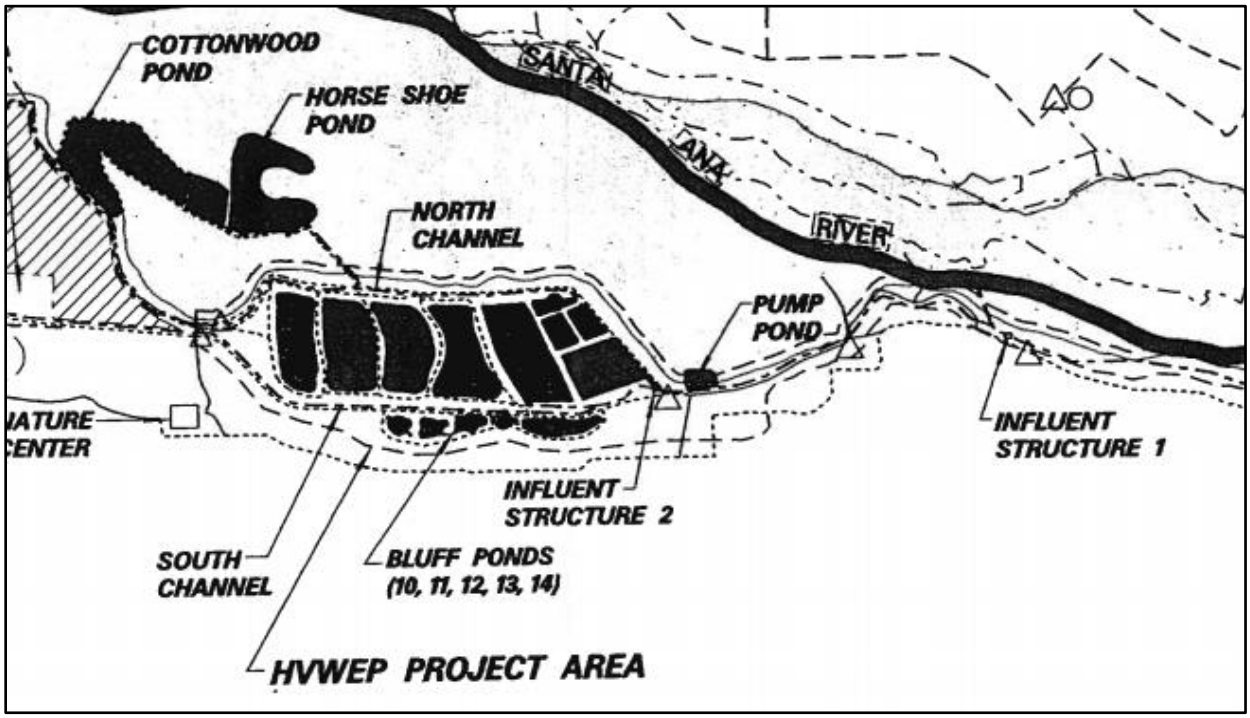
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1	This is a western Riverside Core A that may be impacted/benefit from the project. May want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.				
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107					
California Horned Lark					X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A that may be impacted/benefit from the project. May want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.				
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1					
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107					
rthern Harrier					X	N/A	N/A	N/A	N/A	EIR Table 3.3-3	This is a western Riverside Core A that may be impacted/benefit from the project. May want to include in EIR Table 3.3-3 and EIR sections 3.3-80, 93, 107, as well as, mitigation measures.				
						N/A	N/A	N/A	N/A	EIR Appendix B Section 3.2.2.6 (3-13); 3.4.1.2 (3-50); and Table 2.1					
						N/A	N/A	N/A	N/A	EIR Section 3.3-80, 93, 107					
MAMMALS															
Black-tailed Jackrabbit	X					S	S	S (R)	S	EIR Table 3.3-3	-	-	-	-	May want to stay consistent between sections and tables (e.g. If there is potential, then it cant be suitable, but could be restored (Table 3.3-3). Also, if it can be restored, may want to include mitigation activities.
						S	S	R	S	3.4.1.2 (3-50); and Table 2.1					
						Moderate potential	Moderate potential	potential	N/A (Low/Moderate potential)	EIR Section 3.3-80 and 93					
Los Angeles Pocket Mouse	X					S	S	S (-)	S (Limited S)	EIR Table 3.3-3	-	-	-	-	States for Hidden Valley t suitable in Appendix Table 2.1; limited suitability (Appendix B Section 3.4.1.2, and suitable in EIR Table 3.3-3. May want to stay consistent between sections and tables.
						S	S	-	- S (Limited)	EIR Appendix B Section 3.3.1.2 (3-31); 3.4.1.2 (3-50); and Table 2.1					
						N/A	N/A	potential	N/A (Limited S)	EIR Section 3.3- 93					
PLANTS															
Santa Ana River Woolly-star	X	X	X		X	S*	S*	R	S	EIR Table 3.3-3	~~➢ Enhance and rehabilitate up to 13 ac of alkali marsh (salt grass flats);~~	-	➢ Restore 18.5 ac of floodplain terrace	-	May want to stay consistent between sections and tables (e.g. If there is potential, then it cant be suitable).
						Present	Present	S (R)	S/R (S)	EIR Appendix B Section 3.2.2.6 (3-13)					

						Moderate/ high potential	Moderate/hi gh potential	potential	Moderate potential	EIR Section 3.3-79, 93, 104	➢ Reestablish between 6 and 23 acres of active floodplain ~~and riparian habitat, and potentially establish an oxbow feature~~		➢ Control access 112ac		
Slender-horned Spine Flower	X					S (-) - Low potential (potential)	S (-) - Low potential (potential)	S (-) - potential	S (-) - potential	EIR Table 3.3-3 EIR Appendix B EIR Section 3.3-79, 93, and 104	N/A	N/A	N/A	N/A	May want to stay consistent between sections and tables. Because there is very low / suitability, is t part of western Riverside MSHCO, and mitigation is listed, may want to remove it from EIR
Brand's phacelia		X	X			S N/A N/A Low/Moder ate Potential	S N/A N/A Low/Moderat e Potential	R N/A N/A Potential	S N/A N/A Potential	EIR Table 3.3-3 EIR Appendix B EIR Section 3.3-79, 93, and 104	➢ Restore 2.2 acres of CSS	➢ Restore 2.2 acres of CSS	➢ Restore 2.2 acres of CSS	➢ Restore 2.2 acres of CSS	Included in western Riverside MSHCP Narrow Endemic Plant Species Survey Area. Also, kwn localities within/nearby. May want to include in EIRSection 3.3 79,93, and 104 and mitigation measures.
San Diego Ambrosia		X	X			N/A - N/A N/A Potential	N/A - N/A N/A Potential	N/A - N/A N/A Potential	N/A - N/A N/A Potential	EIR Table 3.3-3 EIR Appendix B EIR Section 3.3-79, 93, and 104	-	-	-	-	May want to include in EIR because it is a species in western Riverside MSHCP Narrow Endemic Plant Species Survey Area. Can state it is t suitable and cant be restored.
San Miguel Savory		X	X			N/A - N/A N/A Potential	N/A - N/A N/A Potential	N/A - N/A N/A Potential	N/A - N/A N/A Potential	EIR Table 3.3-3 EIR Appendix B EIR Section 3.3-79, 93, and 104	-	-	-	-	May want to include in EIR because it is a species in western Riverside MSHCP Narrow Endemic Plant Species Survey Area. Can state it is t suitable and cant be restored.

Enclosure 3. Regulatory permits that were acquired for the Hidden Valley Constructed Wetlands Project.

ID #	Issued	Expired	Comments
California Department Fish and Wildlife (1602 Permit)			
5-432-95	1995	2009 (extension)	Had provisions about water being provided, certain pond depths maintained, and arundo removal.
Army Corps of Engineer (404/Nationwide Permit)			
NWP - 95-00385-ES	1995	2001	Will maintain 30% open water and water depth for N removal and study; remove arundo. To keep the integrity of the ponds, the water will be provided between 8-15 mgd. Permittee needed to notify Corps if hydrologic regime changes which may affect the integrity of the riparian habitat in and around the ponds.
NWP 200500163-DPS			
United Sates Fish and Wildlife			
Informal Letter			Approved the work due to wetlands very important to the 14-28 LBVI and no suitable habitat for sucker.
Regional Water/ State Water Resources Control Board			
401 Permit (No. 33-2005-62)	2008	2013	City of Riverside must continue to be a participant in the Santa Ana Sucker team or that the terms may be reevaluated
Basin Plan	1995	-	Significant additions to creation of wetlands as a waterbody type. Constructed wetlands are listed as proposed for Hidden Valley. It states that: "The Regional Board's approach toward regulating of the use of these constructed wetlands will be to ensure that these affiliated uses are reasonably protected, while appropriate wastewater treatment uses are supported." The "California Wetlands Conservation Policy" was announced by the Governor in August 1993 with the primary goal of increasing wetland conservation.
	2004	-	The TIN limit for surface water discharges is based on the Nitrogen amended Basin Plan waste load allocation of 13 mg/L for flows up to 38 mgd; flows above 38 mgd are held to 10 mg/L.
Order R8-2006-0009	2006	2011	Constructed/Existing wetlands included for water quality (e.g. nitrogen and TDS removal)
Order R8-2013-0016	2013	2018	Constructed/Existing wetlands not included

Enclosure 4. The Hidden Valley Wetlands Enhancement Project as depicted in the Hidden Valley Wetlands Enhancement Project Operation and Maintenance Manual (1995) prepared by the City of Riverside.



11.11 Comment Letter 11: Inland Emprire Waterkeeper

INLAND EMPIRE WATERKEEPER
Advocacy • Education • Research • Restoration • Enforcement

Federal Tax ID: 33-0847892
6876 Indiana Ave, Suite D
Riverside, CA 92506
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www.iewaterkeeper.org

Comment Letter 11

June 14, 2019

Sent via Electronic Mail:
comments@sbvmwd.com
Attn: Heather Dyer, Water Resources Project Manager
San Bernardino Valley Municipal Water District
380 East Vanderbilt Way
San Bernardino, CA 92408

Re: San Bernardino Valley Municipal Water District-Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program

Dear Ms. Dyer:

On behalf of Inland Empire Waterkeeper ("Waterkeeper"), please accept the following comment letter regarding the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program ("Project"). Waterkeeper is a program of Orange County Coastkeeper, regarding this matter. Waterkeeper is a grassroots, non-profit water quality organization with a mission to enhance and protect the quality of the waterways within the Upper Santa Ana River Watershed through advocacy, education, restoration, and enforcement. Waterkeeper has over 2,000 members who live and/or recreate in and around the Santa Ana River watershed.

Waterkeeper urges the San Bernardino Valley Municipal Water District ("Valley District") to ensure the Project does not limit public access to the Santa Ana River at the proposed restoration sites. While Waterkeeper is highly supportive of restoration projects generally, these portions of the Santa Ana River and their tributaries are widely used and valued by the public. 1

Due to language included in the various preparation documents, Waterkeeper believes the Project may intentionally prevent the public from accessing the river. By preventing the public from accessing the river, the Valley District would be denying the public benefits which are protected under the public trust doctrine. These benefits include the right to fish, bathe, swim, boat, and recreate in general. In order to make such a decision that will limit these rights, the Water District is required to take all of the public trust uses into account throughout the CEQA process and to limit the harm to those uses as much as feasible.

I. BACKGROUND AND PURPOSE OF THE UPPER SANTA ANA RIVER TRIBUTARIES RESTORATION PROJECT AND MITIGATION RESERVE PROGRAM.

The Upper Santa Ana River water agencies have the ability to conduct river-related public infrastructure projects that could increase regional water supply reliability and improve flood protection. In undertaking these projects, there exists potential negative impacts on native resources and protected species of the waterways. In exchange for the ability to conduct these projects, the agencies have agreed to undertake certain projects to offset the potential negative impacts. Included among these proposed projects is the Tributaries Restoration Project and Mitigation Reserve Program under consideration here. The purpose of the restoration projects is to provide improved habitat for endangered and threatened species and to improve conditions of aquatic resources.[1]

Similar to the many portions of the Santa Ana River and their tributaries that will undergo construction for the Project is Martha McLean Park. The plan proposes that a 580-foot-long section of Anza Drain's left bank be excavated and revegetated, along with 2.2 acres of coastal scrub. The goals of the project are to restore alkali meadow in the outer floodplains, restore riparian and floodplain habitat, control invasive wildlife species, and limit human disturbance.[2]

2

II. UNDER THE PUBLIC TRUST DOCTRINE, THE VALLEY DISTRICT HAS A DUTY TO PROTECT PUBLIC USE OF THE SANTA ANA RIVER AND THEIR TRIBUTARIES.

The public trust doctrine is a concept that imposes an obligation on the government to protect the public uses of navigable waters.[3] The concept has existed since Roman law, was adopted by English common law, incorporated into the laws of the United States, and has been consistently recognized and enforced by California courts.[4] Under the public trust doctrine, the state owns all of its navigable waterways and the lands lying beneath them as trustee of a public trust for the benefit of the people.[5] The public trust imposes an affirmative duty on the state "to protect the people's common heritage of streams, lakes, marshlands, and tidelands, surrendering that right of protection only in rare cases when the abandonment of that right is consistent with the purposes

[1] Opportunities and Constraints for Tributary Restoration Restraints Sites, 1-1, (June 2018). https://static1.squarespace.com/static/53920f34e4b05366f07d971c/t/5b1b0752aa4a99b2fb924ab2/1528498017282/OpportunitiesandConstraintsReport-Tributaries_Restoration_FINAL-Part1.pdf.

[2] *Upper SAR Stakeholder Meeting Presentation, 38 (April 24, 2018)*. https://static1.squarespace.com/static/53920f34e4b05366f07d971c/t/5ae36110575d1f665ae36110575d1f668ee0d547/1524850969138/Upper+SAR+HCP+Program+Stakeholder+Meeting+Presentation+04242018.pdf.

[3] *See National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 434 (1983).

[4] *Id.*

[5] *Id.*

of the trust."[6] The state is entrusted with the duty to "take the public trust into account in the planning and allocation of [trust] resources, and to protect public trust uses whenever feasible."[7] California courts have held that the uses protected by the public trust include fishing, hunting, bathing, swimming, anchoring, standing, boating, recreating, and ecological preservation.[8]

California's affirmative public trust duties are allocated to its public agencies.[9] An agency must undertake full and public consideration of the public trust interests before any action can be taken that will adversely affect those interests.[10] This responsibility is applied through the California Environmental Quality Act (CEQA) review and comment process.[11] For an agency to satisfy its public trust responsibilities, it must give full consideration to the waterway's public trust uses.[12]

2 cont.

III. THE VALLEY DISTRICT HAS NOT UPHELD ITS PUBLIC TRUST RESPONSIBILITIES.

The Valley District has failed to give full consideration to the public trust protected uses of the Santa Ana River and their tributaries. The current uses of the Santa Ana River at the Project site are protected under the public trust doctrine. The current uses include swimming, boating, bathing, and general recreation. The community members treasure this use and take advantage of it regularly. The Valley District acknowledges public use of the river, stating that several sites to undergo construction for the Project are heavily used by people, including both recreation day-users and the homeless.

Rather than viewing this public use of the river as an important public trust responsibility to protect, the Valley District has proposed several ways to limit this use. These measures include the use of local law enforcement, intensive monitoring, eliminating intensive riparian corridor usage (e.g. permanent encampments), and social trails. The language included in these documents suggests that the current uses of the river at this site will be substantially limited, if not eliminated altogether.

3

[6] *Id.* at 441.
[7] *Id*. at 446.
[8] *Id*. at 434–35.
[9] *Ctr. for Biological Diversity, Inc. v. FPL Grp., Inc.*, 166 Cal. App. 4th 1349, 1365, 83 Cal. Rptr. 3d 588, 601 (2008), *as modified on denial of reh'g* (Oct. 9, 2008).
[10] *Zack's, Inc. v. City of Sausalito*, 165 Cal. App. 4th 1163, 1188 (2008).
[11] *See Ctr. for Biological Diversity v. California Dep't of Forestry & Fire Prot.*, 232 Cal. App. 4th 931, 953 (2014); *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202, 241 (2015).
[12] *See San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202, 241 (2015).

While the Valley District must balance the competing uses of the river,[13] and may have to choose certain interests over others,[14] such a decision is to be made with considerable skepticism, especially if it reallocates a resource to more restricted uses.[15]

The Valley District acknowledged that issues of "human disturbance… could be potentially controversial topics and will need to be considered thoroughly during the CEQA review of the project."[16] This review was obviously limited to discussing how public use can be restricted. The Valley District has an affirmative duty to protect the public trust uses and it must uphold this duty through the CEQA process.

Changing the location of access points has a major negative effect on opportunities for recreation. Waterkeeper suggests doing restoration in locations where there is currently no recreation activity.

3

IV. WATER QUALITY AND EDUCATIONAL IMPACTS DUE TO THE PROJECT.

The Valley District has stated there will be unavoidable temporary water quality impacts. Although these impacts are categorized as temporary, Waterkeeper urges the Valley District to take a closer look at the potential water quality issues. These issues will be caused by the connectivity of the restored tributaries that are currently dry, this includes stormwater pollution and sediment carried through the newly functioning tributaries to the main stem of the Santa Ana River.

Section ES.5.1 Project Component - Public Education of the Valley District EIR states that the Project would include improvements for public education and outreach. All project sites will include interpretive trails and signage promoting natural resource protection and native species conservation. Waterkeeper is concerned that these education opportunities are limited to signs and plaques. Waterkeeper urges the Valley District and all members of this HCP project to support comprehensive watershed and environmental education programs including field trips, brochures, and other forms of education that are not one dimensional programs. Waterkeeper reiterates is general support for restoration projects in the Upper Santa Ana River, but urges the Valley District to view public access as a protected beneficial use of the river rather than a burden. Waterkeeper also urges the Valley District to take a closer look at the unavoidable water quality impacts as well as the forms of education being implemented in the Project. Inland

4

[13] *Ctr. for Biological Diversity, Inc. v. FPL Grp., Inc.*, 166 Cal. App. 4th 1349, 1369 (2008).
[14] *see Cty. of Orange v. Heim*, 30 Cal. App. 3d 694, 707 (1973).
[15] *See Illinois Cent. R. Co. v. State of Illinois*, 146 U.S. 387, 444 (1892); s*ee also, San Francisco Baykeeper, Inc. v. California State Lands Comm'n*, 242 Cal. App. 4th 202, 234, (2015); *Zack's, Inc. v. City of Sausalito*, 165 Cal. App. 4th 1163, 1176 (2008).
[16] *The Early Implementation Activities: Upper Santa Ana River Habitat Conservation Plan*, 5-4 (June 2018). https://static1.squarespace.com/static/53920f34e4b05366f07d971c/t/5b1b0752aa4a99b2fb924ab2.

Empire Waterkeeper welcomes the opportunity to work collaboratively with the Valley District to ensure a successful restoration project that also protects public use of the valued Upper Santa Ana River. 4 cont.

Sincerely,

_____

Megan Brousseau
Associate Director
Inland Empire Waterkeeper

11.12 Comment Letter 12: City of Rialto

Comment Letter 12

Brownstein Hyatt Farber Schreck

June 14, 2019

Stephanie Osler Hastings
Attorney at Law
805.882.1415 tel
805.965.4333 fax
shastings@bhfs.com

San Bernardino Valley Municipal Water District
Attn: Heather Dyer, Water Resources Project Manager
380 East Vanderbilt Way
San Bernardino, CA 92408

Re: City of Rialto comments on the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program Draft EIR

Dear Ms. Dyer:

Our firm represents City of Rialto ("Rialto") with respect to its Wastewater Change Petition WW0079 ("Change Petition") pending before the State Water Resources Control Board. We offer these comments on the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program Draft EIR (the "Project").

Rialto's Change Petition is not included in the list of past, current and probable future projects evaluated in the Cumulative Impacts Analysis and should be. (See Draft EIR, Table 4-1.) The Change Petition is one of several independent projects anticipated to be a "covered activity" for the Upper Santa Ana River Habitat Conservation Plan (see attached July 25, 2014 Memo from ICF re Upper SAR HCP Covered Activities Data Request; see also Draft EIR, Table 4-1, ID # 1). Accordingly, Rialto's Change Petition should be included as a related project for purposes of the cumulative impact analysis. Although the point at which Rialto discharges wastewater to the Santa Ana River is located just outside the 5 mile buffer, the Change Petition proposes to reduce wastewater flows to the Santa Ana River upstream of the project location and potentially within the 5 mile buffer. We note that other projects anticipated to be covered activities for the Upper Santa Ana River Habitat Conservation Plan are identified and included in the cumulative impacts analysis. For your reference, we have noted the approximate location of Rialto's point of discharge, which is implicated by the Change Petition, with a yellow dot on Figure 4-1 of the Draft EIR. 1

In addition, it is our understanding that the Rialto Channel Regional Flood Control System is anticipated to be a "covered activity" under the Upper Santa Ana River Habitat Conservation Plan and accordingly, should also be included in the cumulative impacts analysis as a related project. (See attached July 25, 2014 Memo from ICF re Upper SAR HCP Covered Activities Data Request.) 2

Thank you for your consideration of these comments. We look forward to answering any questions you may have.

Sincerely,

Stephanie Osler Hastings

SOH:CKM

Enclosures:
Map showing location of Rialto's current waste water discharge;
July 25, 2014 Memo from ICF re Upper SAR HCP Covered Activities Data Request

19367876

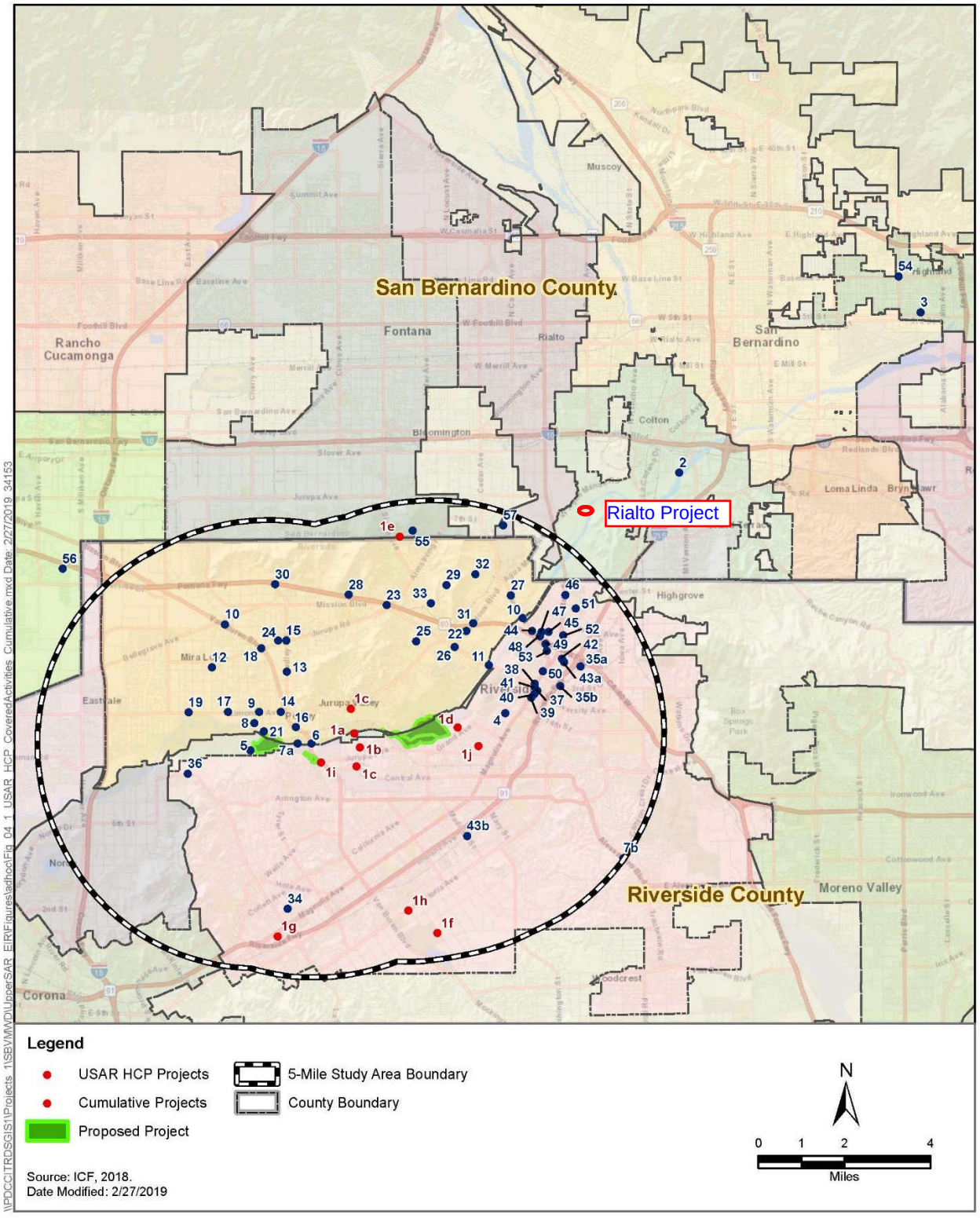

Figure 4-1. Cumulative Projects

Memorandum

Date:	July 25, 2014
To:	Marcus Fuller, Robb Steel, City of Rialto Public Works
Cc:	Bob Tincher, San Bernardino Valley Municipal Water District
From:	Scott Fleury, Mike Romich, Erika Eidson; ICF International
Subject:	**Upper SAR HCP Covered Activities Data Request**

During Phase 2 of the HCP preparation, ICF staff are working with each water resource agency to finalize the covered activities. This memo will guide you and your agency to identify and provide the information and data required for the HCP preparation.

The analysis of the potential impacts of covered activities on the covered species requires descriptive information and data for each covered activity at a level of detail that accomplishes the following:

- Describes in text the type of activity (project or action) so that a reader of the HCP can understand generally what will occur when the covered activity is implemented.
- GIS data showing the footprint of the area affected by the covered activity (project construction footprint or area where operations and maintenance (O&M) will occur). GIS data should be as accurate as possible given what is currently known about the future covered activity.
- What is the timing (season and duration) and frequency of the activity. For new project construction, when is the project construction expected to start, and what portion of the project footprint is a temporary construction impact. For O&M activity, how often does the activity occur, in what time(s) of year, and what is the duration of the activity.
- For covered activities that may affect hydrology, will need to describe how the covered activities will alter the magnitude, frequency, and duration of flow volume (cfs) throughout the year. All available hydrology data describing measured or modeled seasonal daily flows (and peak flows if available), and all information about the operation of the covered activities that can be used to assess how the activities would change daily flows would be helpful. For example, for recharge and flood control basins, any analyses that have been performed to determine their capacity, infiltration losses, and other factors will assist in

determining how much water can be diverted. If data are available about the baseline hydrology at the location of the covered activity, please provide that or the source as well.

- For proposed recycling of water at wastewater treatment plants that would alter effluent releases back to the system, would need a schedule of current daily flow releases and how proposed water recycling will change it.

The section below includes a description of the covered activity based on the emails you have provided. Please review the information below. We will be contacting you soon to review this memo, answer any questions, and schedule a time to meet with you (conference call with online desktop sharing) to assist you in filling the data and information.

Covered Activities for City of Rialto Public Works

Rialto Wastewater Treatment Plant Reuse Project

The City of Rialto Public Works draft Recycled Water Master Plan (in preparation) will identify a range of options for reusing treated effluent, which includes construction of additional recycled water facilities within City streets to distribute recycled water throughout the City for sale to retail customers within the City's service area. With these options, it is possible that up to 100% of existing and future wastewater discharge from the Rialto Wastewater Treatment Plant is recycled/reused. The planned reuse of the effluent would be to comply with mandates for recycled water and to implement the Recycled Water Master Plan. The current average discharge is approximately 6MGD, with a max capacity of 11.7MGD.

Rialto Channel Regional Flood Control System

New Facilities

The Rialto Channel project would increase channel capacity and reduce impediments to flow between I-210, Cactus Basins, I-10, and the Santa Ana River. The existing rock lined channel between I-10, and the Santa Ana River only conveys a portion of Q100 storm flow. The conveyance capacity for Q10 storms and less in unchanged. Currently, maintenance needs within this area is extensive due to debris, erosion, weeds, trash and human waste from the homeless pollution living within the area, and flood damage during severe storms.

From Interstate 210 to Cactus Basins, the design may include routing of local roadway drainage and development within the existing Rialto Airport area to the Cactus Basins. Construction of the Cactus Basins is ongoing and is not part of the covered activity. Current maintenance within this area is erosion repairs, weed abatement, sediment removal and trash removal.

The Rialto Channel from the existing concrete lined at Willow upstream to Cactus Basin 1 at Etiwanda Ave Project is anticipated to be an improved channel designed to alleviate flooding in the area and be able to convey the ultimate condition Q100 flow. The channel configuration and lining type have not yet been determined. The current capacity of the channel ranges from a couple hundred cubic feet per second (cfs) second to several hundred cfs. The proposed channel capacity

will range from approximately 1,000 cfs to nearly 7,000 cfs. Current maintenance within the area is grading, trash removal, weed abatement and storm damage repair as most road crossing and channel areas are subject to damage even during minor storms.

The majority of the project would occur between the south side of the I-10 right-of-way and the downstream side (eastern edge) of Riverside Avenue, within the railroad parcel. This portion of the project site currently includes an existing earthen bottom channel with rock rip-rap sides and a single box culvert under Riverside Avenue. At Riverside Avenue, the proposed project would install a proposed concrete rectangular channel designed to convey the ultimate condition Q100 flow, as well as concrete lining the channel to increase the channel capacity. In addition to expanding the channel capacity under Riverside Avenue, the project also calls for removal of an existing bulkhead at the upstream end of the project site, at the northern opening of the culvert under I-10. . Currently, maintenance needs within this area is extensive due to debris, erosion, weeds, trash and human waste from the homeless pollution living within the area, and flood damage during severe storms.

Rialto Channel from the Santa Ana River to the existing concrete lined channel immediately downstream of the tank farm and upstream of Santa Ana Avenue will consist of channel and bank stabilization work designed to convey the ultimate condition Q 100 flow of over 10,000 cfs through the area. The proposed improvements configuration and material has not yet been determined. However, concrete-lining would not occur. Current maintenance within this area consists of erosion repair, weed abatement, graffiti removal and general grading.

Paved access roads are proposed adjacent to the channel to allow access by maintenance personnel. Channel wall and right-of-way fencing is proposed to be installed for this project.

Current maintenance within the area is grading, trash removal, weed abatement and storm damage repair as most road crossing and channel areas are subject to damage even during minor storms. Future maintenance needs will depend on the final proposed channel type but it is anticipated to include access road grading, invert stabilization / repairs, trash / graffiti removal, weed abatement and general control of existing and planned connections.

Maintenance

Maintenance actions include inspection, repairs, and cleaning, as well as sediment removal during low flows, concrete repairs, and trash removal. Maintenance activities are further described in Routine Operations and Maintenance Activities, below.

Some specific maintenance that is expected within the Rialto Channel includes removal of sedimentation, removal of trash and debris, graffiti removal, fence and railing maintenance, access road grading, invert stabilization / repairs, weed abatement, and general control of existing and planned connections.

Operations

According the Flood Control Design Group, the lining of this section will not have any impact on the peak flow rates downstream. Although there is a constriction removal at Riverside Avenue, the flows in Rialto Channel are still limited by the box culvert beneath the I-10 freeway. The net

infiltration rate into the Rialto channel will be unchanged for nuisance flows as flows will be carried down to the unlined portion of the channel downstream of the tank farm (just upstream of Santa Ana Avenue) and it is not planned to be lined. Infiltration during storms and immediately following storms will be changed a bit, but the amount is questionable as a good portion of this reach is rock lined.

Chapter 12
Responses to Comments

According to California Environmental Quality Act (CEQA) Guidelines, Sections 15132 and 15362, the Final Environmental Impact Report (EIR) must contain 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. A total of 12 comment letters or emails providing comments on the Draft EIR (April 2019) were received by San Bernardino Valley Municipal Water District (Valley District), with six letters from federal, state, regional, or local agencies, five letters from community or conservation organizations, and one from a private individual, as identified in Table 11-1 in Chapter 11. Responses to all comments that address substantive environmental concerns in each of these letters and emails are provided in this chapter.

Section 15088 of the State CEQA Guidelines, Evaluation of and Response to Comments, states:

> a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.
>
> (b) The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
>
> c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.
>
> c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
>
> 1. Revise the text in the body of the EIR; or
>
> 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in the Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the document.

The responses to comments, below, along with Chapter 13, *Clarifications and Modifications*, are included as part of the Final EIR for consideration by Valley District prior to certification of the Final EIR.

12.1 Format of Responses to Comments

All of the substantive comments within the body of each comment letter and email have been identified and numbered. A copy of each comment letter is included in Chapter 11 and Valley District's responses are included in this chapter. Responses to comments were provided to the agencies that provided comments a minimum of 10 days prior to Valley District's certification of the Final EIR.

In the process of responding to some comments, minor revisions were made to the text of the EIR. None of the comments or responses constitutes "significant new information" (State CEQA Guidelines Section 15073.5) that would require recirculation of the Draft EIR, as detailed in Section 13.1, *Introduction*, in Chapter 13, *Clarifications and Modifications*.

12.2 Comment Letter 1: Chris Ehe, Rim of the World Intermountain Trail Alliance

12.2.1 Comment 1-1

Summary

The comment states that there may be potential impacts on the Rim of the World Intermountain Trail System and requests Valley District to review Intermountain Trail Alliance maps, goals, website, and stakeholders' role in the Rim of the World Active Transportation Plan.

Response

Valley District coordinated directly with the Rim of the World Intermountain Trail Alliance regarding the Rim of the World Intermountain Trail System, which is outside of the geographic scope of the proposed project. The Rim of the World Intermountain Trail Alliance will be added to the distribution lists for both the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program and the Upper Santa Ana River Habitat Conservation Plan (Upper SAR HCP).

12.3 Comment Letter 2: Ryan Ross, Riverside County Department of Waste Resources

12.3.1 Comment 2-1

Summary

Riverside County Department of Waste Resources (RCDWR) provides background context regarding the Lower Hole Creek restoration site and the Pedley Landfill, including improvements needed to protect public health by removing exposed landfilled materials and armoring the landfill slopes with articulated concrete blocks. RCDWR states that the Draft EIR did not address landfill excavation, methods for handling and disposal of excavated waste, construction of an engineered final cover over the excavated slope, and protection of the landfill slope from future erosion. RCDWR recommends that the Draft EIR evaluate landfill excavation and the potential environmental impacts from such actions.

Response

According to Section 3.7, *Hazards and Hazardous Materials*, page 3.7-13, the Pedley Landfill is currently located on a 13.5-acre parcel along the lowermost 1,200 feet of Hole Creek's east bank and extending over to Van Buren Boulevard. The downstream end of Lower Hole Creek, at the confluence with the Santa Ana River, is much broader than the rest of the site and is influenced by backwatering from the Santa Ana River. As a result, water velocity is slower and increased sedimentation occurs in this location. In an effort to improve sediment transport, create riparian canopy, and increase structural complexity, the channel would be narrowed in this location (approximately 150 linear feet), and a low floodplain with terrace would be added that ties into the terrace elevation near the landfill (Chapter 2, *Project Description*, page 2-33).

Furthermore, as stated in Chapter 6, *Effects Found Not Significant*, three sites (Anza Creek, Old Ranch Creek, and Lower Hole Creek) are bordered by former landfills, but no alterations to the landfills are proposed. The landfills are elevated above the Santa Ana River floodplain and their slopes are armored. As the Lower Hole Creek tributary site is bordered by the former Pedley Landfill, the restoration work would not create reasonably foreseeable upset and accident conditions at the former Pedley Landfill site. Coordination between Valley District and RCDWR would occur prior to final design to ensure that any conflicts with the proposed project and the Pedley Landfill are minimized, as stated in revisions to Section 3.7, *Hazards and Hazardous Materials*, on page 3.7-13. Additional context regarding RCDWR and the Pedley Landfill has been added to Section 3.7, *Hazards and Hazardous Materials*, on pages 3.7-7 and 3.7-14. Additional analysis regarding impacts involving the Pedley Landfill has been added to page 3.7-17. RCDWR plan review has been included in Table 2-8, *Potential Discretionary Permits and Actions*, on page 2-51 in Chapter 2, *Project Description*. These revisions are detailed in Chapter 13, *Clarifications and Modifications*, of this Final EIR.

The proposed project's design team and Valley District met with engineers and project managers from RCDWR, the California Department of Fish and Wildlife (CDFW), and City of Riverside in June 2019 to discuss the current condition of the Pedley Landfill. Clarifications on the geographic boundaries of the landfill were provided during and following this meeting. Valley District and RCDWR will continue to coordinate regarding the proposed project and RCDWR's proposed

improvements at the Pedley Landfill, specifically ahead of the completion of the 65 percent project designs, to jointly pursue a long-term solution that addresses improvements that would result in increased stability of the landfill and the ecological health of the Santa Ana River adjacent to the landfill. Any disturbance or removal of landfill materials that would occur as a result of the proposed project would occur in compliance with federal and state regulations regarding landfill operations, as approved by RCDWR. With this coordination, including information sharing so that the proposed project design team has available design files for the RCDWR improvement project at the Pedley Landfill and plan submittal review by RCDWR, impacts on the landfill would be minimized and no conflicts would result.

12.3.2 Comment 2-2

Summary

RCDWR is planning and permitting reinforcement and site improvements at the Pedley Landfill in the area of the Lower Hole Creek restoration site. RCDWR recommends that the Draft EIR include analysis of the proposed restoration activities both adjacent to and within the landfill and evaluate any potential impacts.

Response

Refer to Response to Comment 2-1, above.

12.3.3 Comment 2-3

Summary

The comment recommends including mitigation measures regarding the submittal of plans to RCDWR for review and approval prior to restoration activities within the Lower Hole Creek project site and for the project proponent to enter into an agreement with CDFW and RCDWR addressing full indemnification.

Response

Coordination between Valley District and RCDWR will continue to occur prior to 65 percent project design plan submittal to RCDWR to ensure that any conflicts with the proposed project and the Pedley Landfill are minimized, as stated in Response to Comment 2-1. Plans will be submitted to RCDWR for its review prior to any restoration activities within the Lower Hole Creek area, as revised in the list of discretionary actions in Table 2-8, *Potential Discretionary Permits and Actions*, included in Chapter 13, *Clarifications and Modifications*, of this Final EIR. Valley District will enter into an agreement with CDFW and RCDWR addressing full indemnification against any action or claim taken.

12.3.4 Comment 2-4

Summary

RCDWR recommends that coordination among RCDWR, CDFW, and Valley District take place.

Response

The proposed project's design team and Valley District met with engineers and project managers from RCDWR, CDFW, and City of Riverside in June 2019 to discuss the current condition of the Pedley Landfill and its impact on the proposed project. Valley District will continue to coordinate with RCDWR throughout the process of project permitting and prior to any restoration activities within the Lower Hole Creek area, as stated in Response to Comment 2-1.

12.3.5 Comment 2-5

Summary

RCDWR requested a copy of the Final EIR on CD or other digital format and to be informed of when the Final EIR is ready for adoption and approval.

Response

Valley District will keep RCDWR notified on the email distribution and will provide the responses to RCDWR comments included in the Final EIR on CD at least 10 days prior to the certification of the proposed project by the Valley District Board of Directors, in compliance with State CEQA Guidelines Section 21092.5, (a).

12.4 Comment Letter 3: Scott Morgan, State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

12.4.1 Comment 3-1

Summary

The State Clearinghouse stated that the comment period closed on June 6, 2019. No state agency comment letters were submitted directly to State Clearinghouse by that date. Confirmation that the project complied with the State Clearinghouse review requirements for draft documents per CEQA was also provided.

Response

Comment noted; however, the comment period was extended to June 14, 2019, and one comment letter from a state agency (the California Department of Fish and Wildlife) was submitted on June 14, 2019, after the June 6, 2019 date. Revisions to Chapter 1, *Introduction*, clarify this change to the public review period.

12.5 Comment Letter 4: Erin Wright

12.5.1 Comment 4-1

Summary

The commenter appreciates the use of social media for notification of the June 10, 2019, public meeting and expresses excitement for the potential enhancements to the neighborhood adjacent to the proposed project.

Response

This comment does not address the environmental analysis provided in the Draft EIR. This comment, along with all the other comments, will be part of the record considered by Valley District's Board of Directors in determining whether to approve the proposed project.

12.5.2 Comment 4-2

Summary

As the commenter stated during the public meeting, Southern California Edison's Application (A.15-04-013) project is also in the project area, utilizing a similar route to the proposed project. The commenter suggests that both agencies involved in these two projects should address the dual construction schedules as well as the impact that the power lines have on wildlife and walking trails.

Response

The Riverside Transmission Reliability Project (RTRP) is situated in multiple locations in the cities of Jurupa Valley and Riverside and unincorporated Riverside County, with Distribution Line Relocation #7 being the nearest RTRP component to the proposed project at the Santa Ana River Trail. The RTRP would involve construction, relocation, and operation of new overhead and underground 230-kilovolt double-circuit transmission lines and other modifications proposed by the California Public Utilities Commission in conjunction with Southern California Edison and City of Riverside Public Utilities (RPU) (Application No. A.15-04-013).

As provided in Chapter 13, *Modifications and Clarifications*, additional revisions to the Draft EIR, specifically to Chapter 4, *Cumulative Impacts*, were made to include the RTRP and the analysis of the proposed project in combination with the RTRP. In the updated analysis, the RTRP could affect sensitive land uses (or receivers) adjacent to the Lower Hole Creek and Hidden Valley Creek restoration project sites, including those residing in homes along Bradford Street and Auld Street, in the area of the commenter's residence in the city of Riverside. Temporary construction impacts related to noise could be significant if pile driving would occur during construction of the RTRP. However, alternate methods such as drilled piles, shoring sleds and shields, and hydraulic jacks would be used by the RTRP to shore walls instead of a pile driver. As such, the impact of temporary construction noise from RTRP Distribution Line Relocation #7 would be less than significant. As RTRP construction at this location would last only a few days and noise would cease after construction is complete, construction impacts are anticipated to be short term and minimized with alternative methods of construction and implementation of mitigation. The RTRP could combine

with the proposed project to result in a cumulative construction noise effect on sensitive receptors in the city of Riverside, and additional coordination between Valley District and the RPU will occur to ensure that any conflicts during construction would be minimized, including impacts not just involving noise but also access to the Santa Ana River Trail and traffic. Operational impacts are anticipated to be negligible for any form of infrequent maintenance that might be required when both projects are combined. Through implementation of an outreach program and coordination with other agencies, as stated below in Response to Comment 4-4, the combined impacts of the proposed project and the RTRP would be minimized. Furthermore, contact information will be provided so there is a way to communicate to the construction project manager any issues or concerns observed by nearby residents or recreational users during construction.

12.5.3 Comment 4-3

Summary

The commenter asked how the project was funded and if multiple agencies were involved in funding the project. The commenter also asks if the funds were collected from taxes, fees, or assessments from any agency involved in the project.

Response

As stated in Section 2.2.1, *Santa Ana River Conservation & Conjunctive Use Program*, on page 2-3 of the Draft EIR, the Tributaries Restoration Project and Mitigation Reserve Program Phase I component of the proposed project is a primary component of the Santa Ana River Conservation & Conjunctive Use Program (SARCCUP) Phase 1, funded in part by a Proposition 84 Grant. SARCCUP is a multi-agency, watershed-wide collaborative program designed to improve the Santa Ana River watershed's water supply resiliency and reliability by implementing various watershed-wide projects for development of additional dry-year yield, reduction of water use, and habitat improvement for sustainable native species population. Valley District has secured the construction funds for the proposed project through this grant with matching funds contributions from five local water agencies. Water suppliers participating in the HCP include Valley District, RPU, and Western Municipal Water District (Western). Because these agencies will be using the habitat benefits of the restoration as conservation measures to offset the impacts of water supply infrastructure projects, all costs associated with the maintenance of the sites are shared by the Upper SAR HCP partners. These agencies will split the cost among the Upper SAR HCP partners based on the share of infrastructure projects proposed by each agency. Splitting the cost of these conservation activities is a cost-effective method and also provides added benefits to the adjacent community, especially compared to buying mitigation credits from a for-profit mitigation bank for offsite improvements that do not directly benefit the project sites. There will be no direct fees associated with using the improved areas for other uses by residents or visitors (use of walking trails, parking, access to the sites, etc.). The Tributaries Restoration Project is fully funded by the project partners and does not require any new taxes or assessments.

12.5.4 Comment 4-4

Summary

The commenter requests that residents near the construction zones be kept well informed of dates, schedules, and the process.

Response

Valley District is currently working to develop a public outreach campaign for the Upper Santa Ana River Program, including the proposed project and other projects along the river. As a part of that campaign, "Coming Soon" type informational signs along the Santa Ana River Trail and at each tributaries restoration site would be installed and be visible to visitors and residents in the project area. Valley District is also working on other forms of public outreach, including website notifications and social media posts, to notify the public about construction schedules and provide contact information so that there is a way to contact the construction project manager about any issues or concerns observed by nearby residents or recreational users during construction. Valley District will also continue to work with its project partners and interested stakeholders to coordinate implementation of projects and construction schedules to minimize conflicts. During operation, Valley District proposes to fund two full-time County of Riverside Parks and Open Space District ranger positions to patrol the project sites along the tributaries and Santa Ana River during the day, plus part-time maintenance staff, to minimize any safety or maintenance concerns in the project area. Valley District will also continue to post project updates on the Upper SAR HCP website (www.uppersarhcp.com) throughout the process to notify the public of upcoming project activities.

12.5.5 Comment 4-5

Summary

The commenter expresses excitement about improvements to the area for the benefit of the environment, local community, and more and expresses appreciation.

Response

This comment does not address the environmental analysis provided in the Draft EIR. This comment, along with all the other comments, will be part of the record considered by Valley District's Board of Directors in determining whether to approve the proposed project.

12.6 Comment Letter 5: Ryan Shaw, Western Municipal Water District

12.6.1 Comment 5-1

Summary

Western thanks Valley District for providing an opportunity to comment on the proposed project. Western is in full support of the restoration program as a partner agency in both the Upper SAR HCP and the SARCCUP.

Response

Comment noted. Valley District confirms partnership with both the Upper SAR HCP and the SARCCUP and the continued coordination with Western as a part of these programs. Note that the Upper SAR HCP project is listed as cumulative project #1 and the SARCCUP covered activities are listed as numbers 7, 7a, and 7b within the geographic scope of the cumulative project study area.

12.6.2 Comment 5-2

Summary

Western expresses support of the bucket-to-bucket concept for water transfer but recommends coordination with the Santa Ana River Watermasters (made up of Western, Inland Empire Utilities Agency, Orange County Water District, and Valley District) for successful implementation.

Response

Comment noted. Valley District will also coordinate with Western and the other Santa Ana River Watermasters regarding the water transfer between Valley District and RPU. The agreement for the water exchange was shared with Western upon its approval by the RPU Board in the summer of 2019. Valley District will also continue to coordinate with Western through the partnership with the Upper SAR HCP and the SARCCUP.

12.7 Comment Letter 6: Peter Rhein, Lytle Creek Conservation Land, LLC

12.7.1 Comment 6-1

Summary

Lytle Creek Conservation Land, LLC (LCCL) requests that Valley District support a preference for approved mitigation credits when available. LCCL provides an offer to purchase credits in bulk for the San Bernardino kangaroo rat (SBKR) and Santa Ana River woolly-star. Lytle Creek is a tributary to the Santa Ana River. LCCL appreciates the opportunity to provide Valley District with its views concerning the SBKR compensatory mitigation for the project.

Response

This comment does not address the environmental analysis provided in the Draft EIR. Note that one of the proposed project's objectives is to "provide compensatory mitigation in the form of a Mitigation Reserve Program for future unavoidable adverse impacts on wetlands, waters of the United States and state, riparian habitat, and special-status species that result from activities authorized under Sections 401 and 404 of the Clean Water Act, California's Porter-Cologne Act, Section 1602 of the California Fish and Game Code, the California Endangered Species Act, and the federal Endangered Species Act" (Chapter 2, *Project Description*, page 2-14). The Mitigation Reserve Program would result in the development of a combined mitigation/conservation bank and an advance Permittee-responsible mitigation credit program. The proposed Mitigation Reserve Program sites would provide sites for mitigation credits to be obtained for waters of the United States and state, as well as credits for species covered or that may be covered by the California Endangered Species Act and federal Endangered Species Act, including Santa Ana sucker (*Catostomus santaanae*), arroyo chub (*Gila orcutti*), western pond turtle (*Actinemys pallida*), two-striped garter snake (*Thamnophis hammondii*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-breasted chat (*Icteria virens*), California gnatcatcher (*Polioptila californica californica*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and Santa Ana River woolly-star (*Eriastrum densifolium*) (Chapter 2, *Project Description*, page 2-42).

The coverage for these species is specific to project sites and project areas, requiring a different form of mitigation credit system, and the Mitigation Reserve Program would involve additional species not fully covered by the LCCL bank within a different tributary system (Lytle Creek tributary). However, Valley District may consider purchase of mitigation credits through the LCCL bank for project impacts involving SBKR, understanding the utility that LCCL brings to mitigating SBKR impacts, and appreciates the opportunity to coordinate with LCCL in the future.

12.8 Comment Letter 7: Randy Sheppeard, Riverside County Flood Control and Water Conservation District

12.8.1 Comment 7-1

Summary

The Riverside County Flood Control and Water Conservation District (District) provides context regarding the proposed project and the District's task in mapping flood hazards to protect life and property. The District states that existing District flood control facilities/properties are within the program area and may be affected by the project. Review by the District will be required and District approvals should be included in the EIR. Recommends listing the District as a CEQA responsible agency, and that any impacts on District facilities are evaluated.

Response

Valley District and project team staff participated in a field visit and 30 percent design field work meeting in August 2018. Coordination between Valley District and the District will continue to occur prior to 65 percent project design plan submittal to the District to ensure that any conflicts with the proposed project and District flood control facilities are minimized. Plans will be submitted to the District for its review prior to any restoration activities, as revised in the list of discretionary actions in Table 2-8, *Potential Discretionary Permits and Actions*, included in Chapter 13, *Clarifications and Modifications*, of this Final EIR.

The proposed Santa Ana River tributaries restoration projects are in or adjacent to a Federal Emergency Management Agency (FEMA) floodway. Each proposed project site can be located on a Flood Insurance Rate Map in an area that was flood hazard mapped following a detailed hydraulic study. Because project grading would alter ground elevations and flood paths in the mapped FEMA floodway, additional analysis is required to demonstrate to the District and FEMA how the project could alter Base Flood Elevations (100-year recurrence flood event). The 60 percent design for the project will be used to create a hydraulic model to calculate how the project could alter the Base Flood Elevations.

Because the proposed project is targeting creek restoration and not development in the floodplain, the review process must be adapted to fit the project. The restoration project objectives will better connect low-flow channels, grade channel banks, install habitat structures in the floodway, and improve floodplain connectivity. Because net excavation of earth would occur at all sites to create new floodplains, it is expected that the designs would increase flood storage capacity and not increase Base Flood Elevations. The project team will document the expected change in Base Flood Elevations as a part of the project work and as required discretionary permits and actions.

The assessment of the project requires a comparison of flood depths as determined by the adopted hydraulic model. The model and mapping originally completed by FEMA are maintained and managed by the local floodplain administrator. The proposed project area boundary crosses the jurisdiction delineated on the Flood Insurance Rate Map for the District. It is also important to note that levees are shown on the map, and the accompanying Flood Insurance Study report indicates

that the U.S. Army Corps of Engineers (USACE) was involved early in the flood control efforts and may have interest in review of any project work near levees. The project will be required to obtain permits through USACE, and coordination is ongoing regarding USACE requirements.

Valley District and its project team will contact the District, as well as Riverside County Planning regarding the flood mapping assessment. Because the project is a proposed restoration project, the project team will work with the designated floodplain administrator to determine:

- The local code requirements for grading projects in a floodplain
- The interpretation of the proposed restoration actions as they relate to the code requirements
- The required review schedule and milestone dates for seeking project approval from the designated floodplain administrator

The current Flood Insurance Rate Maps are based on the calculations of the existing hydraulic model. The Flood Insurance Study report cited a USACE study from 1975, and the map was last updated in 2008. It is possible that the model remains in the HEC-2 format, or it may have been updated to HEC-RAS that replaced HEC-2. The project team will confirm maps, models, and calculations during this process for the required submittals to the District. A conditional letter of map revision (CLOMR) process allows FEMA and the local floodplain administrator to assess and permit a proposed project, agreeing to complete a letter of map revision (LOMR) after the projects are implemented. The purpose of completing the CLOMR process is to gain approval for a project ahead of time when there is proposed fill in the floodway and an expected rise in predicted flood depths. The CLOMR would serve as the approval for implementation of the proposed restoration projects. After the projects are implemented, a LOMR process would be completed for any necessary map revision documentation. Valley District will also continue to coordinate with the District for required flood map revisions as well as any flooding easements and/or encroachment permits and any other FEMA or District requirements, as applicable.

12.8.2 Comment 7-2

Summary

The District suggests that the proposed project could result in potential impacts on FEMA-mapped floodplains and may increase flood hazards, and recommends that a mitigation measure be added that final designs should include the analysis of the effects of the project on water surface elevation across the floodplain.

Response

The analysis presented in the Draft EIR utilizes available hydrology data, floodplain data, and groundwater data produced by planning and resource agencies, including FEMA and local governments, as well as the project design team, to determine the effect the proposed project would have on hydrology and flooding.

As stated in Section 3.8, *Hydrology and Water Quality*, the proposed project would alter the existing drainage pattern in certain parts of the tributary restoration sites through the creation of new channel and enhancement of existing channels, but not in a manner that would result in flooding (page 3.8-37). The proposed project is designed to simulate the historical conditions on the project sites to reestablish connectivity of each of the tributaries to the Santa Ana River, with the exception

of Hidden Valley Creek. The restored and newly created channels would be designed to convey flood flows in earthen channels connected to floodplains. The proposed project would result in net excavation and removal of earth from each of the sites, thereby creating additional floodplain conveyance beyond existing conditions. All future flooding would occur within the designated restoration areas that all have land uses compatible with flooding. Flood flow paths would continue to follow the same alignment as they currently do and no infrastructure would be put at additional risk of flooding due to the project.

Construction of new floodplains would allow flood water that is currently confined to spill out of the channel, thereby reducing the flow's energy and reducing the potential for future channel incision and bank erosion. The new floodplain would be constructed by excavating the ground adjacent to the channel to lower the elevation of the top of the channel's bank and increase the frequency with which flood water would be able to spill out of the channel and overbank onto the new floodplain. Anza Creek has several reaches where the channel is confined by steep and tall banks with little to no floodplain connectivity. Approximately 1.1 acres of new floodplain bench would be created, spread out over five different areas, by excavating the high ground adjacent to the low-flow channel. The typical width of the inset floodplain areas would be 20–40 feet, and the average excavation depth would be 2–3 feet. At Old Ranch Creek, approximately 0.6 acre of floodplain bench would be created. A new riparian corridor would be approximately 100 feet wide (50 feet on either side of the channel). At Lower Hole Creek, approximately 0.5 acre of new floodplain would be created, spread out over nine different areas, by excavating the high ground adjacent to the low-flow channel. The typical width of the inset floodplain areas would be 25–75 feet, and the average excavation depth would be 3–4 feet. The floodplain creation would provide additional areas where overbank flows can spread out into riparian zones and reduce the shear stress levels in the channel that contribute to channel downcutting and bank erosion. At Hidden Valley Creek, approximately 1.3 acres of floodplain bench would be created. Future design work would use hydraulic modeling to aid in refining elevations, widths, and gradients of constructed floodplain features.

Local flood conveyance would be improved by creating new floodplain and riparian corridors and making the channel's hydraulic capacity more efficient when compared to its existing degraded state. The proposed project would not introduce new flood flows to the project tributaries. The proposed project would not result in changes to the existing stormwater flows that discharge into each of the sites. As a result, the proposed project would improve drainage conditions for each of the Tributaries Restoration Project and Mitigation Reserve Program Phase I sites and would improve the creek's capacity to absorb flood flows prior to discharging into the Santa Ana River, similar to natural historical conditions within the watershed.

As stated on page 3.8-39, the restoration site designs include construction of wood and rock habitat structures to add immediate habitat to the enhancement sites. Several structures have been designed specifically for the Tributaries Restoration Project and Mitigation Reserve Program Phase I and would be appropriately sized for the small channels in which they would be constructed. The objective of the wood and rock structures is to create a flow obstruction that would alter hydraulics in a manner necessary to keep sand from accumulating on the gravel substrate in the vicinity of the structure. The structures would also provide deeper pools and overhang for cover for Santa Ana suckers. One instream woody material structure would be constructed for approximately every 200 feet of channel to aid in diversifying hydraulic conditions that would create and sustain habitat complexity at each of the restoration sites. The instream woody material structures are considered a natural structure found in creek habitats necessary to support fish species and are not considered a

permanent structure that would impede or redirect flood flows. Importantly, the habitat structures are designed to alter hydraulics of bankfull or lower flows. At high flows during storm events, the flood water would overtop the structures and the effect of the structures on flow resistance would be diminished.

Restoring existing channels and floodplain connectivity would enhance natural flood-carrying functions of each of the tributaries in restoration areas that would serve to lower flood elevations. As shown in Table 3.8-9 of the Draft EIR (page 3.8-39), the proposed project would create a new channel, enhance an existing channel, remove sediment to recreate the channel and floodplain, create channel pools and in-stream habitat structures, and create floodplain bench and riparian habitat at each of the tributary restoration sites. While the restoration areas are within the 100-year flood hazard area of the Santa Ana River, the proposed bank stabilization and habitat structure construction on the four tributaries would have a negligible or positive effect on the Santa Ana River 100-year flood hazard area. The proposed project would not introduce new flood flows to the project tributaries. The proposed project would not result in changes to the existing stormwater flows that discharge into each of the sites or within the Santa Ana River. The restored and newly created channels are designed to convey flood flows in earthen channels connected to floodplains. The proposed project would result in net excavation and removal of earth from each of the tributary restoration sites, thereby creating additional floodplain conveyance beyond existing conditions (Table 3.8-9). The flood attenuation benefits that would be created by excavation of new floodplain would more than compensate for any local rise in water surface elevation created by construction of the proposed habitat structures. As such, the proposed project is not anticipated to affect water surface elevation across the floodplain in a negative manner.

All future flooding would occur within the designated restoration areas that all have land uses compatible with flooding. Flood flow paths would continue to follow the same alignment as they currently do and no infrastructure would be put at additional risk of flooding due to the project. Therefore, the proposed project would not result in potential floodplain impacts. As stated previously in Response to Comment 7-1, coordination between Valley District and the District will continue to occur prior to 65 percent project design plan submittal to the District to ensure that any conflicts with the proposed project and District flood control facilities and impacts related to flooding are minimized.

12.8.3 Comment 7-3

Summary

The District states that Alternative B includes proposed modifications to the Santa Ana River levee, which is a USACE facility subject to the Section 408 permit process.

Response

Currently, the proposed project includes restoration of four tributary sites along the Santa Ana River. The inclusion of Evans Creek in the proposed project is currently an alternative to the proposed project (Alternative B: Proposed Project plus Evans Creek Site Alternative). At this early stage of development, only conceptual designs have been developed for Evans Creek, construction-level designs for Evans Creek have not been finalized, and permit applications have not been drafted. Also, the effort to date involves completion of an opportunities and constraints analysis based on a conceptual design to determine the potential for restoration on this additional tributary

site. As such, further project design and coordination with the resource agencies, including USACE and the District, is required to determine the full extent of project impacts and requirements for approvals. It is also acknowledged that USACE has plans to improve the levee under its jurisdiction and coordination between Valley District and USACE would occur prior to the completion of designs and submittal of applications for the required Section 408 permit for the Evans Creek site. As development of the Evans Creek site is not as far along in the environmental review and permit application process and designs have not been completed, Valley District will continue to coordinate with USACE and the District, on any necessary permits, specifically the Section 408 permit, and improvements to the Santa Ana River levee prior to the completion of the design and any approvals for restoration at the Evans Creek site. Valley District understands that there would be a delay in getting this additional restoration site constructed, as restoration at this site is not at the same stage of project development as the four proposed sites for the Tributaries Restoration Project.

It should be noted that the Valley District Board of Directors will review the proposed project and its alternatives in the decision-making process during the review of project approvals and certification of the EIR for the proposed project. Based on the analysis within the Draft and Final EIR for the proposed project, Alternative B may be considered for approval as the preferred project for implementation. This decision to include Evans Creek as a part of the project in concept could be made by the Board with support from the alternatives analysis and Appendix H with supplemental analyses to be provided as part of this process (including but not limited to preparation of final design plans and Evans Creek-specific cultural and paleontological surveys). Furthermore, coordination with the resource agencies will occur prior to completion of final designs to ensure that impacts are minimized and restoration benefits are maximized at the Evans Creek site.

12.8.4 Comment 7-4

Summary

The District states that project areas are located within the FEMA special flood hazard area as shown on the FEMA Flood Insurance Rate Map, and FEMA review might be required. The District also provides contact information if more information about FEMA floodplains and associated requirements is needed.

Response

Refer to Response to Comment 7-1 for a discussion of other potential FEMA and/or District approvals potentially required by the proposed project. Valley District will continue to coordinate with the District for all required FEMA approvals. Valley District appreciates contact information if additional information is needed regarding FEMA floodplains and associated requirements.

12.8.5 Comment 7-5

Summary

The comment recommends that the rights-of-way should be confirmed with the District during design of the proposed project.

Response

The project design team will confirm the rights-of-way as noted in Table 2-2, *Land Ownership by Project Site and Project Component* (page 2-7), with the District during design. Coordination with the District is ongoing.

12.9 Comment Letter 8: Brian Monaghan, Wildlands

12.9.1 Comment 8-1

Summary

Wildlands wants to encourage the project to support approved mitigation credits like the Lytle Creek Conservation Bank in the Lytle Creek wash area in San Bernardino County. Purchase of approved credits provides the project with the most certainty for application to mitigation requirements. Mitigation credits offer a fixed-cost solution, which provides an accurate method of applying and tracking mitigation. Wildlands appreciates the opportunity to provide Valley District with its views concerning the SBKR compensatory mitigation for the project.

Response

This comment does not address the environmental analysis provided in the Draft EIR. Note that one of the proposed project's objectives is to "provide compensatory mitigation in the form of a Mitigation Reserve Program for future unavoidable adverse impacts on wetlands, waters of the United States and state, riparian habitat, and special-status species that result from activities authorized under Sections 401 and 404 of the Clean Water Act, California's Porter-Cologne Act, Section 1602 of the California Fish and Game Code, the California Endangered Species Act, and the federal Endangered Species Act" (Chapter 2, *Project Description*, page 2-14). The Mitigation Reserve Program would result in the development of a combined mitigation/conservation bank and an advance Permittee-responsible mitigation credit program. The proposed Mitigation Reserve Program sites would provide sites for mitigation credits to be obtained for waters of the United States and state, as well as credits for species covered or that may be covered by the California Endangered Species Act and federal Endangered Species Act, including Santa Ana sucker (*Catostomus santaanae*), arroyo chub (*Gila orcutti*), western pond turtle (*Actinemys pallida*), two-striped garter snake (*Thamnophis hammondii*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-breasted chat (*Icteria virens*), California gnatcatcher (*Polioptila californica californica*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and Santa Ana River woolly-star (*Eriastrum densifolium*) (Chapter 2, *Project Description*, page 2-42).

The coverage for these species is specific to project sites and project areas, requiring a different form of mitigation credit system, and the Mitigation Reserve Program would involve additional species not fully covered by the Lytle Creek Conservation Bank within a different tributary system (Lytle Creek tributary). However, Valley District may consider purchase of mitigation credits through the Lytle Creek Conservation Bank for project impacts involving SBKR, understanding the utility that the Lytle Creek Conservation Bank brings to mitigating SBKR impacts, and appreciates the opportunity to coordinate with the Lytle Creek Conservation Bank coordinators in the future.

12.10 Comment Letter 9: Ileene Anderson, Center for Biological Diversity

12.10.1 Comment 9-1

Summary

The Center for Biological Diversity (Center) summarized its mission and provided context regarding the proposed project. The Center is generally supportive of revegetation and enhancement opportunities for threatened and endangered species and their habitats. The comments in this letter address issues where the environmental analysis can be improved.

Response

This comment is introductory, and does not address the environmental analysis provided in the Draft EIR. The environmental issues raised later in this letter are covered by Responses to Comments 9-2 through 9-6.

12.10.2 Comment 9-2

Summary

The Center states that Alternative B, which includes restoration opportunities at the Evans Lake site, could provide additional benefits but may be best addressed in a supplemental or stand-alone CEQA review process once outstanding water issues are addressed.

Response

Currently, the proposed project includes restoration of four tributary sites along the Santa Ana River. The inclusion of Evans Creek in the proposed project is currently an alternative to the proposed project (Alternative B: Proposed Project plus Evans Creek Site Alternative) that would involve additional restoration and habitat enhancement. At this early stage of development, only conceptual designs have been developed for Evans Creek and construction-level designs and water sources for Evans Creek have not been finalized.

An environmental assessment was prepared to evaluate the potential impacts at the Evans Creek site as compared to the proposed project. The results of the environmental assessment are included in Appendix H of the Draft EIR (Chapter 7, *Alternatives Analysis*, page 7-16). The environmental screening analysis takes into account the whole action involved in implementation of Alternative B (Proposed Project plus Evans Creek Site Alternative), including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. For all answers except "No Impact" determinations, brief explanations are provided that are adequately supported by the information cited in the analysis following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like Alternative B evaluated in Appendix H (e.g., the project falls outside a fault rupture zone).

This environmental screening analysis evaluates whether the implementation of Alternative B would result in: (i) significant environmental effects in addition to those identified under the Draft EIR; (ii) less-than-significant impacts with incorporation of additional mitigation not previously identified in the Draft EIR; (iii) less-than-significant impacts with incorporation of mitigation previously identified in the Draft EIR; (iv) less-than-significant impacts with no mitigation required; or (v) no impact.

On the basis of this environmental screening analysis, for the majority of impacts, no additional environmental impacts were identified and no additional mitigation beyond the mitigation measures previously identified in the Draft EIR would be required for implementation of Alternative B. The mitigation measures identified in the Draft EIR would apply to the implementation of Alternative B. However, implementation of Alternative B would result in additional impacts related to cultural and paleontological resources that would be mitigated to a less-than-significant level with incorporation of mitigation identified in Appendix H (mitigation measures CUL-7 and GEO-3) that were not previously identified in the Draft EIR as applicable to the proposed project (Appendix H, *Evans Creek Site Environmental Assessment*, page 1-9).

The Valley District Board of Directors will review the proposed project and its alternatives in the decision-making process during the review of project approvals and certification of the EIR for the proposed project. Based on the analysis within the Draft and Final EIR for the proposed project, Alternative B may be considered for approval as the preferred project for implementation. This decision to approve Evans Creek as a part of the project in concept may be made by the Board with support from the alternatives analysis and Appendix H with supplemental analyses to be provided as part of this process (including but not limited to preparation of final design plans and Evans Creek-specific cultural and paleontological surveys). Furthermore, coordination with the resource agencies will occur prior to completion of final designs to ensure that impacts are minimized and restoration benefits are maximized.

12.10.3 Comment 9-3

Summary

It is unclear who has the land ownership of proposed restoration areas primarily owned by CDFW and if development will occur on conservation lands. The Center could not locate the underlying land use designation for the project sites; if not currently identified for conservation purposes, a land use zone change to such a designation is needed as an additional safeguard.

Response

As stated in Chapter 2, *Project Description*, page 2-40, the Mitigation Reserve Program Phases I and II would result in the development of a combined mitigation/conservation bank and an advance Permittee-responsible mitigation credit program. Anza Creek and Old Ranch Creek would be entitled as two separate sites under a single mitigation/conservation bank, while Lower Hole Creek and Hidden Valley Creek would be a stand-alone advance Permittee-responsible mitigation credit program. The latter two project sites would not be part of the formal mitigation/conservation bank because they are primarily located on land owned by CDFW, which does not allow for a mitigation/conservation bank on its lands. Valley District, or its designated representative, would be the mitigation/conservation bank sponsor and would be responsible for installing, maintaining, and monitoring the mitigation/conservation bank sites at Anza Creek and Old Ranch Creek. Valley

District or its designee would be the mitigation/conservation bank owners. In addition to the mitigation/conservation bank sponsor, a long-term habitat manager would be responsible for managing the sites in perpetuity and an endowment holder would be responsible for distributing funds associated with long-term management. Upon mitigation/conservation bank closure, the mitigation/conservation bank is proposed to be managed in perpetuity by Valley District or its designated representative. Valley District would be the advance Permittee-responsible mitigation credit program sponsor and would be responsible for installing, maintaining, and monitoring the advance mitigation credit program projects at Lower Hole Creek and Hidden Valley Creek. USACE, CDFW, U.S. Fish and Wildlife Service (USFWS), Regional Water Quality Control Board, and possibly the U.S. Environmental Protection Agency would be likely signatories to the mitigation/conservation bank, while CDFW would be the signatory and USACE would approve the program through preparation of a memorandum for the record for the advance Permittee-responsible mitigation credit program, with the potential involvement of the other resource agencies.

The terms "conservation bank" and "mitigation bank" are defined in Fish and Game Code section 1797.5 as privately or publicly owned land managed for its natural resource values (CDFW 2014[1]). In exchange for permanently protecting the land and resources and managing them according to a written agreement with CDFW, the bank sponsor is issued credits that it may sell to project proponents who need to satisfy legal requirements for mitigating the environmental impacts of projects, or that it may use for its own project mitigation needs (CDFW 2014). A publicly owned conservation or mitigation bank offers the sponsoring public agency advance mitigation for larger or multiple projects and/or operations and maintenance that spans longer-term project planning horizons (CDFW 2014). Conservation banks generally protect threatened or endangered species habitat or other sensitive resources, while mitigation banks conserve existing, restored, enhanced, or created wetland habitats that may also provide habitat for listed species (CDFW 2014). Senate Bill 1148, Ch. 565, Statutes of 2012, effective January 1, 2013, established a process for CDFW review and approval of mitigation and conservation bank applications and new fees for program services, administration, and oversight by CDFW (CDFW 2014).

The term "mitigation bank" is defined in federal regulations (33 Code of Federal Regulations 332.2) as a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by Department of the Army permits. In general, a mitigation bank sells compensatory mitigation credits to Permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The operation and use of a mitigation bank are governed by a mitigation banking instrument. Regulations pertaining to the establishment, use, and operation of mitigation banks are outlined in 33 Code of Federal Regulations 332.8.

An advance Permittee-responsible mitigation credit project would be a form of Permittee-responsible compensatory mitigation constructed in advance of a permitted impact on waters of the state and possibly the United States. Even if compensatory mitigation activities are themselves authorized by a permit, establishing compensatory mitigation in advance of the impacts does not create any presumption or guarantee that a proposed future impact will be authorized, or that the advance compensatory mitigation will be considered adequate and/or suitable mitigation for any specific future project. Mitigation values may be generated on an "advance mitigation" basis by

[1] California Department of Fish and Wildlife (CDFW). 2014. Conservation and Mitigation Banking Guidelines. August. Available: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=79095&inline=1. Accessed: February 7, 2019.

establishing an advance mitigation site designed to compensate for future expected impacts. Alternatively, advance mitigation can also be combined with concurrent mitigation required by a federal, state, or local permit, where the concurrent mitigation site provides additional area beyond the immediate mitigation requirements, and/or the site provides additional functions in excess of what is required for the permitted impact.

Valley District is anticipating the need for (1) compensatory aquatic resource mitigation to ensure that its water management activities are in compliance with environmental regulations that protect aquatic resources, and (2) endangered species habitat restoration to help implement future water projects being developed. The proposed Mitigation Reserve Program would provide sites for mitigation credits to be obtained for waters of the United States and state, as well as credits for species covered or that may be covered by the California Endangered Species Act and federal Endangered Species Act, including Santa Ana sucker (*Catostomus santaanae*), arroyo chub (*Gila orcutti*), western pond turtle (*Actinemys pallida*), two-striped garter snake (*Thamnophis hammondii*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-breasted chat (*Icteria virens*), California gnatcatcher (*Polioptila californica californica*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and Santa Ana River woolly-star (*Eriastrum densifolium*). Water management activities may also result in impacts on aquatic resources under the jurisdiction of USACE, Regional Water Quality Control Board, and CDFW. Establishing the Mitigation Reserve Program would allow mitigation to be implemented prior to impacts, thus reducing temporal loss and aggregating mitigation into one larger area, thereby increasing the overall functions and services of the mitigation.

Land use designations for each of the project sites are described on pages 2-9, 2-10, 2-15, 3.1-10, and 6-16 of the Draft EIR within Chapter 2, *Project Description*, Section 3.1, *Agricultural and Forestry Resources*, and Chapter 6, *Effects Found Not Significant*. Old Ranch Creek is zoned as PF (Public Facilities) with a land use designation of P (Public Park) by the City of Riverside, and is zoned as W-1 (Watercourse, Watershed, and Conservation Areas) with a land use designation of OS-R (Open Space Recreation) by the City of Jurupa Valley. Anza Creek is zoned as PF (Public Facilities) with a land use designation of P (Public Park) by the City of Riverside; is zoned as W-1 (Watercourse, Watershed, and Conservation Areas) with a land use designation of OS-W (Water) and OS-R (Open Space Recreation) by the City of Jurupa Valley; and is zoned as W-1 (Water) with a land use designation of W (Water) by the County of Riverside. Lower Hole Creek has the following City of Riverside zoning designations: PF (Public Facilities), BMP (Business and Manufacturing Park Zone), and RE (Residential Estate Zone); and these land use designations: (OS) Open Space, C (Commercial), and MDR (Multi Density Residential). Hidden Valley Creek has the following City of Riverside zoning designation: PF (Public Facilities) with a land use designation of OS (Open Space/Natural Resources); the following City of Jurupa Valley zoning designation: W-1 (Watercourse, Watershed, and Conservation Areas) with a land use designation of OS-W (Water); and the following County of Riverside zoning designation: W-1 (Water) with a land use designation of W (Water) and CH (Conservation Habitat). The Anza Creek, Old Ranch Creek, and Hidden Valley Creek restoration sites are located within the City of Jurupa Valley Santa Ana River Overlay.

As stated in Chapter 6, the proposed project would be consistent with the City of Riverside General Plan and Zoning Ordinance. Creation, enhancement, mitigation, and restoration of native habitat areas within the Santa Ana River floodplain are considered to be consistent with the City of Riverside's General Plan and Zoning Ordinance. No changes to existing designations or zoning are

proposed. The Hidden Valley Creek site is within the City of Jurupa Valley Draft General Plan (2017[2]) Open Space-Water, Open Space Conservation Habitat, and Open Space Recreation designations as well as the Santa Ana River Overlay Zone, which primarily includes the Santa Ana River and its floodplain. The proposed project's activities are consistent with maintenance of long-term habitat and riparian values. No changes to or conflicts with existing City of Jurupa Valley Draft General Plan or zoning designations would occur. The proposed project also would be consistent with the land uses and zoning for Riverside County for water and conservation habitat, and no changes or conflicts would result with project implementation.

As stated in Chapter 6, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project is consistent with the City of Riverside General Plan and Zoning Ordinance and no changes to existing designations or zoning are proposed. The project is also consistent with the City of Jurupa Valley Draft General Plan (2017) Open Space-Water, Open Space Conservation Habitat, and Open Space Recreation designations, as well as the Santa Ana River Overlay Zone. Riverside County designates the land for water or conservation habitat, which is consistent with its current use as well as its proposed condition. No changes to existing designations or zoning are proposed to facilitate the restoration activities proposed by the project and no conflicts would result with project implementation. However, conservation easements are anticipated for all the proposed restoration sites in order to provide maximum protection to the long-term habitat and natural resource values. The placement of conservation easements on CDFW lands has been proposed and is currently being considered by CDFW.

12.10.4 Comment 9-4

Summary

The Center states that the Draft EIR refers to a number of plans that will be developed in the future to ensure that mitigation/conservation is realized, including dewatering plans, a nesting bird management plan, integrated weed management plan, archaeological monitoring plan, and site-specific management plan with goals that reflect the project objectives, and states that the public is shut out from review of these plans. For the integrated weed management plan, *Arundo donax* will continue to be an ongoing control/removal issue; if the revegetation sites are re-infested, no additional mitigation credits should be given.

Response

Invasive plants such as giant cane (*Arundo donax*) use significantly more water than native plant species and have aggressively altered the habitat for endemic fish species, such as the Santa Ana sucker, by choking out conditions for spawning, foraging, and refugia (Chapter 2, *Project Description*, page 2-3). Through SARCCUP's habitat improvements element, the Santa Ana sucker's habitat will more than double and the remaining giant cane in the Santa Ana River will be removed. The proposed project improvements would also involve removal and control of invasive nonnative species to support Santa Ana sucker habitat. According to the Draft EIR (Chapter 2, *Project*

[2] City of Jurupa Valley. 2017. *2017 Draft General Plan*. Adopted September 17, 2017. Available: http://www.jurupavalley.org/Departments/Development-Services/Planning/General-Plan.

Description, page 2-24), a goal of the proposed project is to create new riparian areas composed of native vegetation.

Disturbed areas would be planted as appropriate to facilitate habitat establishment and recovery, and monitoring would occur to ensure success and inform adaptive management actions (Chapter 2, *Project Description*, page 2-39). The restoration sites would be monitored for physical characteristics, plant establishment, and sensitive species use after completion of construction. Short-term restoration monitoring (post-construction) would occur immediately following construction for a period of 5 to 10 years, to ensure that the habitat meets defined success criteria consistent with regulatory agency permitting requirements. A detailed monitoring program would be developed during the final design and permitting phase of the project and would identify the specific performance criteria that include adaptive management and that would be implemented for several years post-project to determine the level of success of the project. Post-construction monitoring of the restoration sites would be designed to document achievement of project goals and objectives, including success of revegetation efforts and functional stream hydrology, and use of the site by sensitive species. Post-construction monitoring would also be conducted through park ranger patrol of the project sites and other areas along the Santa Ana River to deter unauthorized human disturbances, including garbage disposal and homeless encampments, from disturbing and destroying restoration sites and to promote responsible public access. Furthermore, these restoration projects are meant to complement and provide benefit to a larger regional strategy to improve the long-term quality and function of riparian and riverine areas along the Santa Ana River. Therefore, to ensure the permanent benefits to the river and its native species are maintained, a non-wasting endowment will be established to ensure adequate funds for continued monitoring and maintenance of the sites in perpetuity. As *Arundo donax* could significantly compromise the success of revegetation sites from re-infestation, the occurrence of this invasive nonnative species will be closely monitored and managed. The Mitigation Reserve Program will have a detailed tracking system that ensures each acre or unit of restoration value is tied to a discrete permit and mitigation obligation that, once completed, will be maintained in perpetuity as part of the original commitment.

At subsequent phases of the project, Valley District will prepare dewatering plans, a nesting bird management plan, integrated weed management plan, archaeological monitoring plan, and site-specific management plan with goals that reflect the project objectives. Specific plan details are currently unavailable. However, the plans listed in this comment are generally described in the Draft EIR along with applicable performance standards. Valley District will be willing to consult with any interested members of the public or interested stakeholders as these plans are developed.

12.10.5 Comment 9-5

Summary

The Center states that the Draft EIR provides vague assurances that adequate water quantities will be available to support the restoration efforts in perpetuity without legal agreements. There is no confirmation in the Draft EIR that the proposed water exchange will not affect upstream resources and there is not enough information regarding details of the agreement (such as whether the agreement would be in perpetuity or have a sunset date).

Response

Valley District and RPU are currently working together on various environmental projects and will soon enter into a Memorandum of Understanding (MOU) regarding Upper Santa Ana River habitat conservation. Valley District and RPU both produce and serve water in areas including the upper Santa Ana River and both have undertaken and will undertake various projects regarding production, service, and conservation of water in the Upper Santa Ana River basin. This MOU specifies the water supplies needed for the proposed project, which basin the water is being taken from, conditions of the "bucket-for-bucket" exchange program, other agencies involved in the exchange, the amount of water that will be exchanged, and the terms of the agreement, among other specifics. The City of Riverside approved the MOU on August 20, 2019. Terms for the water exchange program will be incorporated into the Joint Funding Agreement for the HCP's Implementation Entity, a Joint Powers Authority made up of the funding partners, which is currently in development and anticipated to be approved in early 2020. The Joint Powers Authority will commit to maintain the newly created habitat values in perpetuity and the Joint Funding Agreement will articulate each agency's contribution to that objective. The water exchange between Valley District and RPU is one component of that agreement. The source of water in the proposed bucket-for-bucket exchange is Valley District's imported state project water that would be delivered via pipeline and stored in the groundwater basin in a location of RPU's choice, most likely upstream of its production wells. In exchange, recycled water will be delivered by RPU via pipeline to the upstream end of each tributary in order to create reliable, perennial flow to sustain habitat values in perpetuity.

12.10.6 Comment 9-6

Summary

The Center appreciates the opportunity to submit these comments on the Draft EIR and looks forward to working with Valley District to ensure the project EIR conforms to the requirements of state and federal law to ensure that all significant impacts on the environment are fully analyzed, avoided, minimized, or, if necessary, mitigated.

Response

The proposed project was evaluated in compliance with the State CEQA Guidelines. All potentially significant impacts were evaluated in the Draft EIR with mitigation proposed as applicable.

12.11 Comment Letter 10: Scott Wilson, California Department of Fish and Wildlife

12.11.1 Comment 10-1

Summary

CDFW provides context regarding the project and states that CDFW is a trustee agency for fish and wildlife resources and a responsible agency regarding discretionary actions, and notes that CDFW has jurisdiction over the conservation, protection, and management of biological resources. CDFW states that the Draft EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project.

Response

The analysis presented in the Draft EIR takes into account all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project. Section 3.3, *Biological Resources*, is organized in the Draft EIR by project component (Tributaries Restoration Project and Mitigation Reserve Program Phase I, and Expanded Mitigation Reserve Program Phase II) and by type of impact (construction impacts and operational and maintenance impacts). The analysis also focuses on sensitive and listed species that could be present at the project sites during construction, specifically:

- Special-status aquatic species (Santa Ana sucker and Critical Habitat for Santa Ana sucker and arroyo chub)
- Special-status semi-aquatic species (southwestern pond turtle, two-striped gartersnake, and south coast gartersnake)
- Special-status riparian bird species (Clark's marsh wren, least Bell's vireo [nesting] and Critical Habitat for least Bell's vireo, white-tailed kite [nesting], yellow-breasted chat [nesting], and yellow warbler [nesting])
- Special-status riparian bat species (pocketed free-tailed bat and western yellow bat)
- Special-status terrestrial species (coastal whiptail, coast horned lizard, San Diego black-tailed jackrabbit, southern California legless lizard, coastal California gnatcatcher, and western burrowing owl)
- Special-status plant species (smooth tarplant, paniculate tarplant, Santa Ana River woolly-star, southern California black walnut, Robinson's pepper-grass, and Brand's star phacelia)

Impacts are also categorized by species and project site (refer to Table 3.3-13, *Acres or Populations of Temporary Impacts on Special-Status Species at the Tributaries Restoration Project and Mitigation Reserve Program Phase I and Phase II Sites*, on page 3.3-118 of the Draft EIR). The project also includes mitigation measures BIO-1 through BIO-28. Furthermore, mitigation measures were developed utilizing a set of mitigation measures provided by CDFW directly for inclusion and use by the proposed project.

As summarized in the Draft EIR (page 3.3-119), temporary construction effects could potentially affect special-status species and/or their associated habitats, including aquatic, and sensitive wetland and riparian habitat. During construction, these impacts would include temporary habitat disturbance and degradation, fragmentation, interference with foraging/feeding behavior, interference with migration and reproduction, and direct injury or mortality. Long-term impacts resulting from the protection and operations of the streams are anticipated to be largely beneficial. Operations and maintenance of the habitat will result in the creation, re-establishment, and enhancement of aquatic, wetland, riparian, and upland habitats while providing overall improved ecological function to each stream and its associated riparian corridor.

Section 4.3.2, *Resource Topics*, in the Draft EIR includes the analysis of topics evaluated in the Draft EIR by resource area, including biological resources (starting on page 4-17). According to the cumulative analysis, significant project impacts would be avoided or mitigated to a less-than-significant level through implementation of mitigation measures BIO-1 through BIO-28. After mitigation, incremental impacts of the proposed project would not contribute considerably to adverse cumulative impacts on biological resources (page 4-20).

12.11.2 Comment 10-2

Summary

CDFW includes a summary of the project site's designations and status within the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) and recommends that if impacts cannot be avoided within the project, a Determination of Biologically Equivalent or Superior Preservation (DBESP) should be prepared and submitted to CDFW.

Response

The proposed project is not a Covered Activity under the WRCMSHCP and Valley District is not a permittee of the Plan. As stated in the Draft EIR (page 3.3-8), the project lies within the WRCMSHCP Plan Area. CDFW's comment letter recommended preparation and submittal of a DBESP to CDFW and coverage of the project within the WRCMSHCP. Meetings on July 18, 2019, and August 14, 2019, were held with CDFW, USFWS, and the Western Riverside County Regional Conservation Authority to determine whether the project would be suitable for coverage under the WRCMSHCP. Although the WRCMSHCP may be a viable option for take authorization for the project sites, it was determined through coordination with the agencies that this option would require numerous additional steps and actions, including but not limited to establishment of MOUs with the City of Riverside and County of Riverside; preparation of a DBESP for each project site; additional approvals with the Western Riverside County Regional Conservation Authority, USFWS, and CDFW; and additional focused surveys. Due to the additional requirements that would be necessary by following the path of WRCMSHCP coverage, and the fact that there does not seem to be added value to the project schedule, it was determined that WRCMSHCP coverage would not be beneficial. Therefore, a DBESP report will not be prepared for the proposed project. Instead, the project will seek take authorization from USFWS via Section 7 Consultation and from CDFW under California Fish and Game Code Section 2081(b), and WRCMSHCP consistency will be documented in the Draft EIR (pages 3.3-177).

12.11.3 Comment 10-3

Summary

CDFW recommend that all relevant Covered Species be included in the Draft EIR because the proposed project is within the WRCMSHCP.

Response

The project sites will include elements that will create habitat for Santa Ana sucker and will also benefit many other sensitive species. Sensitive species with potential to occur in the project area are described in the Draft EIR (pages 3.3-1.120 through 3.3-1.127), including potential direct, indirect, and cumulative impacts and avoidance, minimization, and mitigation measures to address these species. The special-status species provided in Enclosure 1 of CDFW's comment letter have been addressed in Table 3.3-3 of the Draft EIR (pages 3.3-33 through 3.3-71). All of the species with special regulatory status (federally/state listed, California species of special concern, or species with a California Rare Plant Rank) that would require evaluation under WRCMSHCP Sections 6.1.2, 6.1.3, and 6.3.2 have also been evaluated in this table.

The following species are WRCMSHCP Core A and Criteria Cell planning species that may be affected by or benefit from the project; however, these have no special regulatory status: American bittern, black-crowned night heron, Cooper's hawk, double-crested cormorant, downy woodpecker, osprey, peregrine falcon, tree swallow, white-faced ibis, and loggerhead shrike. Because the ecological and hydrological lift that would be created for the project sites would be beneficial to sensitive, rare, and common riparian species, including those species tracked by the WRCMSHCP, there is no significant adverse effect on these species under CEQA. Therefore, no additional analysis has been provided in the EIR.

12.11.4 Comment 10-4

Summary

CDFW provides context regarding what the WRCMSHCP identifies as riparian and vernal pool species and acknowledges that the proposed project should consider the complex ecological interaction within the overall design and execution of the proposed project rather than focus on and prioritize a particular species.

Response

As stated in Section 2.2.3, *Opportunities and Constraints for Tributary Restoration Sites Report*, on page 2-5 of the Draft EIR, identification of restoration opportunities utilized a top-down approach beginning with a high-level evaluation of ecological conditions to identify restoration opportunities within the existing land use constraints. Historical ecology and current site conditions were considered when identifying opportunities. After the ecological restoration opportunities were identified, they were refined building off the *Preliminary Design Report* to maximize benefits for threatened/endangered species with prioritization given to Santa Ana sucker (Appendix A of the Draft EIR). The restoration opportunities were then further evaluated and refined to address other threatened/endangered species' habitat needs as well as additional opportunities to enhance aquatic resources.

The Tributaries Restoration Project and Mitigation Reserve Program Phase I component was developed based primarily on the results of the *Preliminary Design Report* with input from the *Opportunities and Constraints for Tributary Restoration Sites Report.* The Proposition 84 grant program (grant plus matching funds) provides funds to construct most of the channel and riparian vegetation features identified in the *Preliminary Design Report*. However, not all of the restoration opportunities identified in the *Opportunities and Constraints for Tributary Restoration Sites Report* were carried forward in the Tributaries Restoration Project and Mitigation Reserve Program Phase I component due to funding limitations. As such, the proposed project focuses on the largest ecological benefits to be reached utilizing available grant funds.

12.11.5 Comment 10-5

Summary

Comment provides context regarding the Riverside Water Quality Control Plan, the Hidden Valley Gun Club, and the Hidden Valley Wildlife Area, including an MOU in 1993 for enhancement of 70 acres of wetland habitat in portions of Hidden Valley (referred to as Hidden Valley Constructed Wetlands).

Response

The background regarding the Hidden Valley Wildlife Area is noted. See Response to Comment 10-6 below.

12.11.6 Comment 10-6

Summary

CDFW suggests that the Draft EIR elaborate on how the project will be consistent with CDFW's goals anticipated in the Hidden Valley Wetlands Enhancement Project Operation and Maintenance Manual (Manual) (1995) and provides context regarding content found in the Manual.

Response

Valley District is currently in conversations with other agencies, including CDFW and the Riverside County Parks and Open Space District, regarding the Manual and any updates required. Valley District plans to update the Manual to cover all the different management objectives including the restoration areas and Riverside County park objectives along with the overall conservation strategy. Valley District will continue to work in collaboration with staff from Riverside County Park and Open Space District, specifically staff at the Hidden Valley Nature Center, and CDFW to generate a framework for the types of updates needed and the overall objectives in the Manual based on current conditions and current conservation needs for the Upper SAR HCP and any mitigation obligations associated with the 2081 California Endangered Species Act permit and/or 1602 Lake and Streambed Agreement permit. The updated Manual will be an appendix to the overall regional conservation strategy. Planning for Manual updates began in the summer of 2019 and Valley District will continue to coordinate with the City and County of Riverside and CDFW regarding the future implementation and content of the Manual.

12.11.7 Comment 10-7

Summary

CDFW recommends that the Draft EIR should indicate how Valley District will be authorized under the WRCMSHCP for the project.

Response

Coordination with Western Riverside County Regional Conservation Authority, USFWS, and CDFW occurred on July 18, 2019, and August 14, 2019, to explore the potential for seeking coverage under the WRCMSHCP. As a result of the meetings, it was determined that although WRCMSHCP coverage would be feasible, this approach is not an efficient path to fulfill the project's schedule and long-term management plans of the project, and would include additional steps and actions to fulfill the consistency requirements for WRCMSHCP coverage. Therefore, as described in the Draft EIR (Page 3.3-177), the project will pursue take authorization through USFWS Section 7 consultation and a 2081 California Endangered Species Act permit from CDFW.

12.11.8 Comment 10-8

Summary

CDFW inquired whether local county entities agree that public safety measures will not be warranted or are willing to coordinate to reduce risks while still maintaining the primary conservation goals and ecological values. CDFW also provides contact information if there are questions regarding comments provided in the letter.

Response

Valley District appreciates contact information if there are questions regarding the comments in the letter.

On April 15, 2014, the Valley District Board of Directors authorized its role as lead agency for the development of the Upper SAR HCP, with 11 other agencies. Together the 12 entities worked collaboratively to develop the goals of the HCP, the listed and non-listed species proposed for coverage in the HCP, and the list of Covered Activities to be included in the HCP. In-person meetings were held multiple times per year beginning in 2014, to engage all participating agencies and solicit input and feedback throughout the process. Many additional stakeholders were invited to these meetings. Another goal of this process was to assess risk with stakeholders and discuss ways to maintain the primary conservation goals and ecological values. Through the partnership and the collaborative efforts with the lead agency, member agencies, wildlife agencies, and involved stakeholders, a comprehensive strategy for long-term protection, restoration, and conservation was developed that would manage the natural resources and species of the Upper Santa Ana River watershed in a way that ensures long-term ecological value to the region and species recovery, which is represented in the proposed HCP as currently developed. The proposed project was also discussed during this meetings, as both projects are connected and related.

Even though the District, Northwest Mosquito and Vector Control District, and Riverside County Fire were not involved in these meetings and did not directly provide input prior to the release of the

Draft EIR, other departments of Riverside County were invited to participate and copies of project notices (i.e., notice of preparation and notice of availability) were provided to various Riverside County departments that could be shared with other County departments. Additional coordination with the District is currently ongoing and will continue to occur prior to project approval and final design. For example, Valley District and project team staff participated in a field visit and 30 percent design field work meeting in August 2018 with the District. Coordination between Valley District and the District will continue to occur prior to 65 percent project design plan submittal to the District to ensure that any conflicts and risks with the proposed project and District flood control facilities are minimized. Valley District will also continue to coordinate with the District for any required FEMA approvals or required flood map revisions (including a CLOMR) as well as any flooding easements and/or encroachment permits and any other FEMA or District requirements to reduce risk while maintaining conservation goals.

12.12 Comment Letter 11: Megan Brousseau, Inland Empire Waterkeeper

12.12.1 Comment 11-1

Summary

Inland Empire Waterkeeper (Waterkeeper) provides context regarding the organization's mission and urges Valley District to ensure the project does not limit public access to the Santa Ana River at the proposed restoration sites. The commenter also describes the public benefits that are protected under the public trust doctrine.

Response

Public access is discussed below in Response to Comment 11-3. All other discussion in the comment is context and does not address the environmental analysis provided in the Draft EIR.

12.12.2 Comment 11-2

Summary

Waterkeeper provides context regarding the purpose of the project to offset the potential negative impacts of river-related public infrastructure projects and the types of construction proposed at Martha McLean Park and Anza Drain.

Response

Comment does not address the environmental analysis provided in the Draft EIR. No response to this comment is necessary.

12.12.3 Comment 11-3

Summary

Waterkeeper requests that Valley District give full consideration to the public trust protected use of the Santa Ana River and its tributaries and notes that its current use is protected under the public trust doctrine. The commenter also states that changing the location of access points has a major negative effect on opportunities for recreation and recommends that restoration occurs in locations where there is currently no restoration activity.

Response

Regarding public trust uses of the Santa Ana River, Valley District acknowledges that land is owned by public agencies, as stated in the Draft EIR within Table 2-2, *Land Ownership by Project Site and Project Component* (page 2-7), and the proposed project has been developed with support from the local agencies who own the land. Valley District disagrees that it has not upheld its public trust responsibilities. Public access will not be restricted with implementation of the proposed project, and opportunities for law-abiding citizens to access the project will be maintained and encouraged.

Restoration of the project sites will improve the conditions of the site as well as the public's ability to access and recreationally use these areas in a responsible and safe manner. Overall, the intent of the proposed project is to provide greater opportunities to welcome and encourage responsible access to and use of the project sites.

12.12.4 Comment 11-4

Summary

Waterkeeper urges Valley District to take a closer look at unavoidable temporary water quality impacts as well as the forms of education being implemented by the project. Waterkeeper is concerned that education opportunities are limited to signs and plaques and urges Valley District to support comprehensive watershed and environmental education programs that are not one-dimensional.

Response

The commenter states that there would be stormwater pollution and sediment carried through the newly functioning tributaries to the main stem of the Santa Ana River. However, in the existing condition, the two channels with connections to the Santa Ana River, Anza Creek and Lower Hole Creek, are subject to extensive erosion and currently deliver fine sediment into the system that is not conducive to Santa Ana sucker habitat. Furthermore, the channels currently do not support floodplain interaction. The restored and newly created channels would be designed to convey flood flows in earthen channels connected to floodplains that would enhance resiliency to channel erosion and avoidance of siltation. In addition, the proposed project would create conditions for more natural function of the tributaries within the restoration areas with interactions between floodplain and channel that do not currently exist at these sites. This would allow some treatment of stormwater during rain events from riparian vegetation as the flood flows over onto the newly created floodplain and riparian areas. Overall, the proposed project would result in a positive effect on water quality.

Anza Creek's bank that adjoins Martha McLean-Anza Narrows Park exhibits extensive erosion. The section of fine-grained eroding and largely unvegetated bank is about 580 feet long with typical bank heights of 10 feet. A deep pool about 150 feet long and several feet deep is located at the base of the eroding bank. The tall, steep, and eroding bank would be recontoured as part of the proposed project to reduce the bank steepness and its susceptibility to continued erosion. The Jurupa Avenue crossing at the upstream boundary of Lower Hole Creek traps sediment that, in combination with increased peak flows from urbanization, has likely exacerbated channel downcutting in Lower Hole Creek downstream of the crossing. The channel downcutting created many sections of tall, oversteepened, and unstable banks that deliver fine-grained sediment into the channel and diminish the quality of the gravel material desirable for Santa Ana sucker habitat. Approximately 575 linear feet of channel bank, split into five different areas located throughout Lower Hole Creek downstream of Jurupa Avenue, exhibit excessive erosion. Many of these areas are along the toes of steep and tall hillslopes where floodplain excavation is not feasible. Bank stabilization in these areas would incorporate bank excavation to reduce steepness and methods of placing rock, large wood, and plantings along the toe to build a narrow bench that separates the active channel from the eroding bank and provides a buffer to keep erosive shear stresses away from the erodible soil that makes up the hillslopes. The proposed project would result in floodplain creation to provide

additional areas where overbank flows can spread out into riparian zones and reduce shear stress in the channel that contributes to channel downcutting and bank erosion. As such, one of the goals of the project is to reduce the discharge of sediments and erosion from these tributaries to contribute to habitats suitable for Santa Ana sucker.

According to Section 3.8, *Hydrology and Water Quality*, of the Draft EIR, construction and operational impacts of the proposed project would not conflict with or obstruct implementation of a water quality control plan, and impacts would be less than significant. During ground-disturbing or construction activities, stormwater best management practices (BMPs) would be implemented as required by federal, county, and local policies to minimize degradation of water quality associated with erosion, stormwater runoff, or construction-related pollutants. In addition, construction and maintenance activities would be in compliance with local stormwater and grading and erosion control ordinances, and regional Waste Discharge Requirements. As part of compliance with the General National Pollutant Discharge Elimination System Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), for instance, standard erosion and sediment control measures and other housekeeping BMPs, such as vehicle and equipment maintenance, and solid waste management would be identified in the required Stormwater Pollution Prevention Plan. Other measures in the Stormwater Pollution Prevention Plan would include a range of stormwater control BMPs (e.g., installing silt fences, staked straw wattles, or geofabric to prevent silt runoff to waterways). The Construction General Permit also requires stormwater discharges not to contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards, including designated beneficial uses. Post-construction BMPs, such as vegetation planting, would be installed to limit the potential for erosion following construction activities. Disturbed areas would be planted as appropriate to facilitate habitat establishment and recovery, and monitoring would occur to ensure success and inform adaptive management actions. The restoration sites would be monitored for physical characteristics, plant establishment, and sensitive species use after completion of construction. Short-term restoration monitoring (post-construction) would occur immediately following construction for a period of 5 to 10 years, to ensure that the habitat meets defined success criteria consistent with regulatory agency permitting requirements. A detailed monitoring program would be developed during the final design and permitting phase of the project and would identify the specific performance criteria that include adaptive management and that would be implemented for several years post-project to determine the level of success of the project.

Education and community engagement regarding the long-term conservation of Santa Ana River's natural resources is one of the primary goals of the Upper SAR HCP and associated restoration projects, as public perception and ownership of natural resources represents one of the best protection mechanisms. In addition to traditional signage and trail opportunities, Valley District will explore additional education opportunities that can be provided on and off site (see Section 2.6.1.5, *Public Education*, on page 2-24 of the Draft EIR, along with a conceptual plan provided as Figure 2-11 for improvements to Martha McLean-Anza Narrows Park). Improvements and educational programming will be designed in cooperation with the existing HCP partners as well as existing educational programs such as the Rivers & Lands Conservancy, Inland Empire Resource Conservation District, Riverside-Corona Resource Conservation District, City of Riverside Parks, Recreation and Community Services Department, and Riverside County Parks staff at the Hidden Valley Nature Center, among others.

In addition, the project will be funding two or more ranger positions that would patrol all locations daily to facilitate safer public access while educating the public about responsible recreational use of the river and protecting the restoration efforts. The patrols would be conducted by County of Riverside park rangers as described in Section 3.11, *Recreation*, pages 3.11-9 to 3.11-10.

The conceptual plan on Figure 2-11 of the Draft EIR is intended to show the types of improvements possible from a restoration perspective, and final designs are subject to revision upon final review. The restoration plan for each location will include the goals of the ecological improvements along with the educational and public uses in an effort to maintain allowable uses, enhance safe site access for recreational purposes, and promote the protection of ecological resources.

As the project progresses, Valley District will continue to work with the project partners on educational opportunities to highlight native habitat, species, water usage, and recreational opportunities, in addition to the Santa Ana River Watershed. As formal designs and programs have not been finalized, additional coordination is required to ensure that educational and recreational opportunities align with the existing and future allowable uses, public interest, existing programs, and future programs. Furthermore, the commenter welcomes the opportunity to work collaboratively with Valley District to ensure a successful restoration project that protects public use.

12.13 Comment Letter 12: Stephanie Osler Hastings, Legal Counsel for the City of Rialto

12.13.1 Comment 12-1

Summary

The commenter recommends that the City of Rialto's Wastewater Change Petition WW0079 be included in the list of cumulative projects for the proposed project and provides an identified location for the point of discharge.

Response

As stated in Table 4-1, *Cumulative Project List*, of the Draft EIR, Valley District is preparing the Upper SAR HCP, which will include multiple projects within the Upper Santa Ana River to permit proposed water infrastructure projects and implement a landscape-scale conservation strategy to include creation and enhancement of aquatic and riparian habitat. Reduction of water flow is a covered activity that is currently being evaluated in the Upper SAR HCP, which is included in Chapter 4, *Cumulative Impacts*, as cumulative project #1. The Upper SAR HCP specifically includes Covered Activity Rial.1 for the Rialto Wastewater Treatment Plant Reuse Project, which is considered a treatment plant project for the HCP and is in a similar location as shown on the map provided by the commenter. As such, the analysis provided in the Draft EIR regarding the reduction of wastewater flows indirectly included the wastewater change petition in the cumulative analysis for the proposed project through its inclusion as cumulative project #1, even though it is not specifically named separately. Furthermore, as provided in Chapter 13, *Modifications and Clarifications*, additional revisions to the Draft EIR, specifically to Chapter 4, *Cumulative Impacts*, were made to include Rialto's Change Petition as cumulative project #59. Other analysis has been added to Chapter 4, *Cumulative Impacts*, in the Draft EIR, including that Rialto's Change Petition may propose to reduce wastewater flow to the Santa Ana River upstream, which is provided in the *Utilities and Service Systems* subsection.

The Draft EIR focused on cumulative projects that were specifically located within a 5-mile buffer, with five exceptions. In response to this letter, two additional projects (cumulative project #59, Rialto's Change Petition, and cumulative project #60, Rialto Channel Regional Flood Control System) have been added to the cumulative project list and to Chapter 13, *Modifications and Clarifications.* Because the proposed project would affect aquatic resource species and water resources that extend beyond a 5-mile radius, projects that would affect similar aquatic resource species and are hydrologically connected to the site (both upstream and downstream in the Santa Ana River) were included in the project list (Section 4.2.1, *Geographic Scope*, page 4-2). While the Draft EIR cumulative impact analysis could have included the two Rialto projects as additional projects associated with the Upper SAR HCP, the Rialto Change Petition was previously taken into account in the analysis as cumulative project #1 and through coordination with the Upper SAR HCP team in understanding changes in wastewater flow with implementation of all Covered Activities associated with the Upper SAR HCP. More information on the disposition of the Rialto Channel Regional Flood Control System within the cumulative analysis is provided in the response to Comment 12-2, below. Nonetheless, these two projects have now been included as a response to the comments provided in this letter.

12.13.2 Comment 12-2

Summary

The commenter recommends that the Rialto Channel Regional Flood Control System is a Covered Activity within the Upper SAR HCP and should be included in the list of cumulative projects for the proposed project.

Response

Through development and revision over time for the Upper SAR HCP, the Rialto Channel Regional Flood Control System has been removed from consideration within the HCP along with all other flood control projects. As such, flood control facilities are no longer considered as Covered Activities within the HCP. The Rialto Channel Regional Flood Control System is also located outside of proposed project's cumulative study area, as it is outside the 5-mile radius. In addition to the absence of a publicly available CEQA document for this project at the time of the proposed project's release of the Notice of Preparation, this project did not conform to the requirements of inclusion in the cumulative project list due to distance. As such, this project was not considered in the cumulative impact analysis for the proposed project in the Draft EIR. However, as provided in Chapter 13, *Modifications and Clarifications*, additional revisions to the Draft EIR, specifically to Chapter 4, *Cumulative Impacts*, were made to include the Rialto Channel Regional Flood Control System as cumulative project #60 as stated previously in response to Comment 12-1.

Through the review and revision of the analysis with inclusion of cumulative project #60, there may not be any direct or indirect impacts during construction and operation and there would not be a cumulatively considerable impact. Construction of the channel improvements would be localized and would be of short duration. It is assumed that water would continue to flow through the existing channel during construction as to not interfere with the overall water conveyance system. Furthermore, during operation of the improved concrete-lined channel, there would be no impact on the peak flow rates downstream, according to project details provided in the July 25, 2014, memorandum from ICF regarding the Upper SAR HCP Covered Activities data request. Also, infiltration flow into Rialto Channel would be unchanged for nuisance flows, as flows would be carried downstream to the unlined portion of the channel. As such, there would be no impacts on the proposed project due to operation of the Rialto Channel improvements.

There is the potential that these channel improvements could result in a minimal positive impact on the proposed project, as the channel improvements could improve water quality through the removal of trash, human waste, and debris from the site. However, current maintenance of the area involves grading, trash removal, weed abatement, and storm damage repair, which would continue without implementation of the improvements.

Chapter 13
Clarifications and Modifications

13.1 Introduction

The following clarifications, modifications, and revisions are intended to update the Draft Environmental Impact Report (EIR) in response to the comments received during the public review period for the Upper Santa Ana River Tributaries Restoration Project and Mitigation Reserve Program Draft EIR. These changes, which have been incorporated into the Draft EIR, constitute the Final EIR, to be presented to the San Bernardino Valley Municipal Water District (Valley District) Board of Directors for certification and project 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 California Environmental Quality Act (CEQA) Guidelines section 15088.5(a) have been met, and recirculation of the EIR is not required. Significant new information requiring recirculation includes: a new significant environmental impact resulting from the project or from new mitigation measures proposed to be implemented; a substantial increase in the severity of an environmental impact unless mitigation measures are adopted to reduce the impact to a level of insignificance; a feasible project alternative or mitigation measure considerably different from the others previously analyzed in the Draft EIR that would clearly lessen the environmental impacts of the project, but the project's proponent declined to adopt it; or that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revisions assembled in this chapter do not constitute "significant new information" noted in Section 15088.5(a)(1), because no new significant environmental impacts have been identified following the publication of the Draft EIR. Furthermore, 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. Also, no new alternatives have been identified that would clearly lessen impacts. As such, the revisions compiled in this chapter do not constitute "significant new information" noted in Section 15088.5(a)(4) because the EIR is not fundamentally and basically inadequate and conclusory in nature. The EIR provides as summary and analysis of information available at the time of its publication to assist in evaluating the components of the proposed project and any risks associated with construction and long-term operation.

13.2 Clarifications and Modifications

The changes to the Draft EIR are listed by chapter, section, and page number. Changes in text are shown in either strikeout (~~deleted text~~) where text has been removed or in underline (<u>added text</u>) where text has been added. All of the changes shown in this section have also been made in the corresponding Final EIR chapters.

Chapter **Chapter 1, Introduction**

Page Clarification

1-13–14 Clarification of Draft EIR public review dates and meetings was provided in Section 1.5.7, *Public Review of the EIR*, as shown below.

1.5.7 Public Review of the EIR

In accordance with State CEQA Guidelines §15105, the Draft EIR has been submitted to the OPR State Clearinghouse for review by state agencies and, as such, is available for public review and comment for a 45-day review period. Valley District extended the public review period to 54 days after hearing comments from the Inland Empire Waterkeeper during the originally scheduled public meeting and then added a second public meeting in the project area. A Notice of Availability ~~has been~~was circulated to federal, state, and local agencies and interested parties, who may wish to review and issue comments on its contents. All comments should be directed to:

Valley District
Heather Dyer, Senior Water Resources Project Manager
380 East Vanderbilt Way, San Bernardino, CA 92408
Email: uppersarrestoration@icf.com

During the ~~45~~54-day review period, Valley District ~~will~~ conducted ~~one~~ two public meetings open to the general public to answer questions and receive oral comments on the Draft EIR. The ~~scoping~~ public meeting ~~will~~ included a brief presentation providing an overview of the proposed program and the CEQA process. After the presentation, oral comments ~~will be~~were accepted. Written comment forms ~~will be~~were supplied for those who wish to submit comments in writing at the ~~scoping~~ public meetings. Written comments also may be submitted anytime during the Draft EIR review period. The meetings ~~will be~~were held at the following location, date, and time:

Wednesday, May 15, 2019
4:00 p.m.-6:00 p.m.
San Bernardino Valley Municipal Water District
380 E. Vanderbilt Way
San Bernardino, CA 92408

Monday, June 10, 2019
6:00-8:00 p.m.
Hidden Valley Nature Center
11401 Arlington Avenue
Riverside, CA 92505

All oral and written comments received on the Draft EIR ~~will be~~were responded to and included in the Final EIR. Comments on the Draft EIR must be received by 5:00 p.m. on the last day of the ~~45~~54-day review period unless Valley District grants an extension.

Chapter Chapter 2, *Project Description*

Page Addition

2-51 Text has been added in Section 2.9, *Required Approvals*, Table 2-8, *Potential Discretionary Permits*, to list additional approvals by state and local agencies, as shown below.

Table 2-8. Potential Discretionary Permits and Actions

Agency	Permits and Authorizations Potentially Required
San Bernardino Valley Municipal Water District	Environmental Impact Report (EIR) Certification Mitigation Monitoring and Reporting Program (MMRP) Adoption
Regional Water Quality Control Board (RWQCB)	Clean Water Act (CWA) Section 402 National Pollutant Discharge Elimination System (NPDES), Construction General Permit CWA Section 401 Water Quality Certification
U.S. Army Corps of Engineers (USACE)	CWA Section 404 Permit National Historic Preservation Act Section 106 Consultation Endangered Species Act Compliance Section 7 Consultation
Federal Emergency Management Agency	Conditional Letter of Map Revision (CLOMR)
California Department of Fish and Wildlife	Encroachment Permit/Approval for use of Site California Fish and Game Code Section 1602 Lake or Streambed Alteration Agreement/Easement California Fish and Game Code Section 2081 Endangered Species Act Incidental Take Permit
U.S. Fish and Wildlife Service	Endangered Species Act Compliance Section 7/Section 10
State Historic Preservation Office	National Historic Preservation Act Section 106 compliance
County of Riverside	Encroachment Permit/Approval for Use of Site/Grading Permit/ Easement/Plan Review
City of Riverside	Encroachment Permit/Approval for Use of Site/Grading Permit/ Easement/Plan Review
City of Jurupa Valley	Encroachment Permit/Approval for Use of Site/Grading Permit/ Easement/Plan Review
Riverside-Corona Resource Conservation District	Encroachment Permit/Approval for Use of Site/Easement
Riverside County Flood Control and Water Conservation District	Conditional Letter of Map Revision (CLOMR), Letter of Map Revision (LOMR)/Plan Review
Riverside County Department of Waste Resources (RCDWR)	Plan Review

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-9 Text has been added in Section 3.3.1, *Regulatory Setting*, *Regional and Local*, *Western Riverside County Multiple Species Habitat Conservation Plan*, to provide additional clarification regarding Brand's star phacelia, as shown below.

The proposed project occurs within the Cities of Riverside/Norco Area Plan and Jurupa Area Plan of the WRCMSHCP. Portions of the Anza Creek/Old Ranch Creek and Lower Hole Creek sites are within the WRCMSHCP Area Plan Subunits (SU) "SU1-Santa Ana River South, Cities of Riverside/Norco Area Plan" and "SU1-Santa Ana River North, Jurupa Area Plan" within Criteria Cells 617 and 621 (Figure 3.3-2). In addition, the project overlaps with WRCMSHCP Public/Quasi-Public (PQP) Conserved Lands, which comprise a subset of the WRCMSHCP Conservation Area preserved for open space value and contribute to the conservation of Covered Species. The project sites are also within the WRCMSHCP Existing Core A and Core Linkage area. Portions of the proposed project occur within the WRCMSHCP Narrow Endemic Plant Species Survey Area for San Diego ambrosia (*Ambrosia pumila*), Brand's star phacelia (*Phacelia stellaris*), and San Miguel savory (*Clinopodium chandleri*) and are also within a WRCMSHCP Burrowing Owl Survey Area (Figure 3.3-2).

Section **Section 3.3, *Biological Resources***

Page Clarification

3.3-12 Clarified text has been added in Section 3.3.1, *Regulatory Setting*, *Regional and Local*, *Western Riverside County Multiple Species Habitat Conservation Plan*, to provide additional clarification regarding the WRCMSHCP and the proposed project sites, as shown below.

Table 3.3-1 summarizes the specific applicable WRCMSHCP details such as Criteria Cells and PQP Conserved Lands ~~applicable to~~ that overlap the tributary restoration sites. WRCMSHCP Criteria Cells specify planning species and biological requirements and considerations to be addressed. Refer to Section 3.0 and Section 7.0 of the WRCMSHCP for more information on public and private development within the Criteria Area, including actions determined to be consistent with the Western Riverside Plan.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-28 Text has been added beginning on page 3.3-28 in Section 3.3.2, *Environmental Setting*, in the *Literature Review* subsection, and Table 3.3-3, *Special-status Species and Sensitive Natural Communities with Potential to Occur at the Proposed Project Sites*, to include tricolored blackbird (*Agelaius tricolor*), southwestern willow flycatcher (*Empidonax traillii extimus*), San Diego ambrosia (*Ambrosia pumila*), and San Miguel savory (*Clinopodium chandleri*), as shown below.

A comprehensive list of special-status species has been compiled for the project sites. Field verification, baseline habitat assessments, vegetation mapping, ~~and~~ sensitive species database queries, and review of local laws and regulations identified ~~128~~129

special-status species and 9 sensitive natural communities to be evaluated for potential to occur within the sites. Of these, 43 special-status species and 6 sensitive natural communities were either observed or may occur at the restoration sites based on the presence of suitable habitat and proximity of previous observations (Table 3.3-3). These species are associated with stream, wetland, riparian, grassland, scrub, forest, and woodland habitats that present at the sites.

Table 3.3-3. Special-status Species and Sensitive Natural Communities with Potential to Occur at the Proposed Project Sites

Species	Status (Federal/ State/ CRPR)[1]	Critical Habitat within Project Sites[2]	Upper SAR HCP Covered Species	Habitat Descriptions and Requirements	Current Potential to Occur at Project Sites and Justification	Justification	Current Habitat Suitability ("S") and Potential Suitability After Restoration ("R"), by Site		
							Anza Creek/ Old Ranch Creek	Lower Hole Creek	Hidden Valley Creek
Bird Species									
Tricolored blackbird (*Agelaius tricolor*)	-/T/-	N/A	Yes	Breeding colonies require open water; appropriate nesting substrate consists of cattails bulrushes, willows.	Absent – There is currently no suitable open water or marsh habitat on the project sites that would support tricolored blackbird.	The project would restore over 53 acres of ponds that would support a variety of habitats including open water/marsh.	-	-	R
Southwestern Willow Flycatcher (*Empidonax traillii extimus*)	E/E/-	N/A	Yes	Breeding range is distributed throughout the southwestern United States. Occurs within dense riparian tree and scrub communities (*Tamarix* or *Salix* usually). Surface hydrology during nesting season.	Present (nesting) – nesting behavior observed within project sites during 2016 surveys at Anza Creek/Old Ranch Creek, and suitable habitat exists within project sites.	Suitable habitat is present within the project sites. Southwestern willow flycatcher territories were found at the Anza Creek/Old Ranch Creek sites. Several willow flycatcher (non-breeding migrants) were detected on the other sites, but it was determined not to be the federally listed sub-species.	S	S	S
Plant Species									
San Diego ambrosia	E/-/1B.1	N/A	No	Found in chaparral, coastal scrub, valley	Low – Suitable habitat is present	The species was not observed during	-	S	-

Species	Status (Federal/ State/ CRPR)[1]	Critical Habitat within Project Sites[2]	Upper SAR HCP Covered Species	Habitat Descriptions and Requirements	Current Potential to Occur at Project Sites and Justification	Justification	Current Habitat Suitability ("S") and Potential Suitability After Restoration ("R"), by Site		
							Anza Creek/ Old Ranch Creek	Lower Hole Creek	Hidden Valley Creek
(*Ambrosia pumila*)				and foothill grasslands, and vernal pool habitats; often found within disturbed sandy loam or clay soils within the upper terraces of a water source.	within grasslands at the Lower Hole Creek site. This species was found near the intersection of Arlington Avenue and Van Buren Boulevard; however this population is believed to be extirpated (CNDDB 2019). The nearest occurrence occurs near Lake Elsinore, CA.	focused habitat assessment conducted for WRC MSHCP Narrow Endemic Plant Species in July 2019. If present, it would have been observed, as the survey occurred during the appropriate time of year. Refer to Appendix I.			
San Miguel savory (*Clinopodium chandleri*)	-/-/1B.2	N/A	No	Occurs within rocky, gabbroic, or metavolcanics soils in chaparral, cismontane woodland, coastal scrub, riparian woodland, and valley and foothill grasslands.	None - Suitable habitat is not present at the project sites.	The project sites lack suitable soils. A habitat assessment was conducted for WRC MSHCP Narrow Endemic plants. Refer to Appendix I.	-	-	-

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-81 Text has been added in Section 3.3.2, *Environmental Setting*, *Project Setting, Anza Creek and Old Ranch Creek, Habitat and Sensitive Species, Sensitive Plant Species* subsection, to include details regarding narrow endemic plant surveys performed in July 2019, as shown below.

Based on its location and general conditions, the Anza Creek/Old Ranch Creek site provides potential habitat for the following sensitive plant species with moderate to high potential to occur, or that are present on site: Santa Ana River woolly-star (present), smooth tarplant, Robinson's pepper-grass (moderate), Brand's star phacelia (moderate), Southern California black walnut (high), slender-horned spineflower (low), and paniculate tarplant (high). Suitable habitat for Santa Ana River woolly-star is composed of open washes and early-successional alluvial fan scrub on open slopes above main watercourses where flooding and scouring occur periodically to maintain open shrublands. Suitable habitat for the species currently occurs within the Anza Creek/Old Ranch Creek site. Suitable habitat for smooth tarplant is composed of alkali scrub, alkali playas, riparian woodland, watercourses, and grasslands with alkaline affinities. The only potentially suitable alkaline habitat for smooth tarplant occurs within the Salt Grass Flats at the Anza Creek/Old Ranch Creek site. Habitat assessments were performed for these species at the site and verified presence of suitable habitat for woolly-star (52.06 acres) and tarplant (23.55 acres), and a small population of Santa Ana River woolly-star was previously observed within the site during a March 12, 2014, visit.

To ensure consistency with the WRC MSHCP, a species-specific habitat assessment for WRC MSHCP narrow endemic plants was performed in July 2019, and suitable habitat for Brand's star phacelia was found present. There was no suitable habitat for San Miguel savory or San Diego ambrosia on these sites. Refer to Appendix I for additional details.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-96 Text has been added in Section 3.3.2, *Environmental Setting*, *Project Setting, Lower Hole Creek, Habitat and Sensitive Species, Sensitive Plant Species* subsection, to include details regarding narrow endemic plant surveys performed in July 2019, as shown below.

No sensitive plant species were observed during baseline survey visits, and the site does not currently support suitable habitat for any sensitive plant species. Refer to Appendix B for further details.

To ensure consistency with the WRC MSHCP, a species-specific habitat assessment for WRC MSHCP narrow endemic plants was performed in July 2019, and suitable habitat for San Diego ambrosia was present. There was no suitable habitat for San Miguel savory (*Satureja chandleri*) or Brand's star phacelia. The survey was conducted when

San Diego ambrosia would have been detectable if present, and it was not observed; therefore, this species is absent. Refer to Appendix I for additional details.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-107 Text has been added in Section 3.3.2, *Environmental Setting*, *Project Setting, Hidden Valley Creek, Habitat and Sensitive Species, Sensitive Plant Species* subsection, to include details regarding narrow endemic plant surveys performed in July 2019, as shown below.

Based on its location and general conditions, the Hidden Valley Creek site could potentially provide habitat for Santa Ana River woolly-star. Habitat assessments were performed during June to September 2016 and verified suitable habitat conditions for the woolly-star in areas currently vegetated by California annual grassland. No sensitive plant species were observed during visits, and the site does not currently support suitable habitat for any other sensitive plant species (Appendix B).

To ensure consistency with the WRC MSHCP, a species-specific habitat assessment for WRC MSHCP narrow endemic plants was performed in July 2019, and suitable habitat for Brand's star phacelia was found. There was no suitable habitat for San Miguel savory or San Diego ambrosia. Refer to Appendix I for additional details.

Section **Section 3.3, *Biological Resources***

Page Clarification

3.3-119 Clarified text has been added and deleted in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)* subsection, to remove coastal California gnatcatcher as a riparian bird species to be categorized as a special-status terrestrial species, as shown below.

Construction and operation activities, including long-term maintenance, have the potential to cause direct and indirect impacts on the following sensitive and listed species if individuals are present at the project sites during construction:

Special-status Aquatic Species

- Santa Ana sucker and Critical Habitat for Santa Ana sucker
- Arroyo chub

Special-status Semi-aquatic Species

- Southwestern pond turtle
- Two-striped gartersnake
- South coast gartersnake

Special-status Riparian Bird Species

- Clark's marsh wren
- ~~Coastal California gnatcatcher~~
- Least Bell's vireo (nesting) and Critical Habitat for least Bell's vireo
- White-tailed kite (nesting)
- Yellow-breasted chat (nesting)
- Yellow warbler (nesting)

Special-status Riparian Bat Species

- Pocketed free tailed bat
- Western yellow bat

Special-status Terrestrial Species

- Coastal whiptail
- Coast horned lizard
- San Diego black-tailed jackrabbit
- Southern California legless lizard
- Western burrowing owl
- Coastal California gnatcatcher

Section **Section 3.3, *Biological Resources***

Page Deletion

3.3-125 Text has been deleted in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Construction Impacts, Special-status Riparian Bird Species* subsection, to remove coastal California gnatcatcher as it is not a riparian bird species, as shown below.

Riparian bird species including Clark's marsh wren ~~and coastal California gnatcatcher~~ inhabit the restoration site year-round, and least Bell's vireo, white-tailed kite, yellow-breasted chat, and yellow warbler are known, or expected, to nest within the limits of disturbance. In addition, least Bell's vireo territories and USFWS Critical Habitat for least Bell's vireo are present within the project sites. These species would experience temporary loss of nesting and foraging opportunities in areas where vegetation is removed, and would likely remain out of these areas until restored vegetation becomes denser and more mature.

These species occur in grassland, scrub, riparian, and wetland habitats. Within the project sites, special-status bird species have potential to nest within the following vegetation communities: Arrow Weed Thickets, Black Willow Thickets, Black Willow/Fremont Cottonwood Forest, California Buckwheat Scrub, California Sycamore Woodlands, Cattail Marshes, Fremont Cottonwood Forest, Fremont Cottonwood/Willow Forest, Fremont Cottonwood/Willow/Mulefat Forest, Fremont Cottonwood/Willow/ Wild Grape Forest, Mulefat Thickets, Salt Grass Flats, Sandbar Willow Thickets, California Annual Grassland, Giant Reed Breaks, and Nonnative Riparian. If occupied by sensitive species, construction activities involving removal or modification of vegetation from the riparian, grassland, scrub, forest, woodland, and/or wetland plant communities could disturb, injure, or kill individuals or cause nest failure. All vegetation communities within the limits of disturbance and adjacent buffer areas also have the potential to support nesting birds protected under the MBTA and CFGC.

~~California gnatcatcher may also be affected by construction as they are resident birds in the region, although suitable habitat for gnatcatcher is limited at the Tributaries Restoration Project sites. Removal of suitable habitat and construction activities adjacent to suitable habitat may affect foraging and sheltering habitat and reduce prey availability. No impacts are expected on nesting California gnatcatcher as construction is expected to occur during the fall or winter months; however, if construction were to occur during the nesting season, direct impacts on California gnatcatcher could occur.~~

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-126 Added text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Construction Impacts, Special-status Terrestrial Wildlife Species* subsection, to include coastal California gnatcatcher as special-status terrestrial wildlife species, as shown below.

Special-status terrestrial species—including coastal whiptail, coast horned lizard, San Diego black-tailed jackrabbit, Southern California legless lizard, ~~and~~ western burrowing owl, and California gnatcatcher—may inhabit the Tributaries Restoration Project and Mitigation Reserve Program Phase I sites and vicinity. These special-status terrestrial species would not have access to sheltering, foraging, or breeding opportunities in areas where vegetation is modified or removed, and would likely remain out of these areas for at least a year as restored vegetation matures.

Impacts on special-status terrestrial wildlife species could result from the following construction activities: vegetation removal, excavation and filling, grading in existing stream channels and riparian areas, and placement of boulders and large woody material in and along the restored channels. Burial or crushing of special-status terrestrial wildlife species could occur during all stages of construction, including during

grading bank slopes and streambed contouring; excavation in streambed, riparian, and upland areas; or placement of substrate during creation of habitat enhancement features.

Western burrowing owl is of particular concern as this species builds subterranean nests that could be buried or crushed with individuals and/or eggs inside. Although suitable habitat is limited at the Tributaries Restoration Project and Mitigation Reserve Program Phase I sites, western burrowing owl nests are often located within low grassland, ruderal, and barren upland habitats containing burrows or burrow surrogates (e.g., debris piles, open pipes) where staging, access, and construction activities could crush subterranean nests containing eggs or juveniles that overwinter in the nest. Accidental burial of owls during construction and habitat enhancement activities could injure or kill adults, juveniles, and eggs. Construction in these areas could also directly affect owls adjacent to the work areas.

California gnatcatchers may also be affected by construction, as they are resident birds in the region, although suitable habitat for gnatcatcher is limited at the Tributaries Restoration Project sites. Removal of suitable habitat and construction activities adjacent to suitable habitat may affect foraging and sheltering habitat and reduce prey availability. No impacts are expected on nesting California gnatcatcher, as construction is expected to occur during the fall or winter months; however, if construction were to occur during the nesting season, direct impacts on California gnatcatcher could occur.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-131 Text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Mitigation Measure BIO-41* to add that the California Department of Fish and Wildlife (CDFW) may wish to issue a California Endangered Species Act (CESA) Incidental Take Permit to the project, as shown below.

Mitigation Measure BIO-1: Consult with Agencies Regarding ESA and CESA Permitting

The ESA provides regulatory protection for species listed as "threatened" or "endangered." The Tributaries Restoration Project and Mitigation Reserve Program Phase I shall obtain federal and state incidental take authorization as necessary for all federally listed species identified as potentially being adversely affected from the construction, operations, and/or maintenance of the Tributaries Restoration Project and Mitigation Reserve Program Phase I. The project shall require a permit from USACE in order to construct within waters of the United States. As required by Section 7 of the ESA, USACE analyzes the potential direct, indirect, and cumulative effects associated with the proposed project and makes determinations on each federally protected

species that may be affected. We anticipate that USACE will likely initiate consultation with USFWS in order to receive a Biological Opinion and incidental take coverage for least Bell's vireo, Santa Ana sucker, and potentially Santa Ana River woolly-star, as adverse impacts on these species may be unavoidable. Therefore, formal consultation shall occur between the federal action agency, USACE, and USFWS in order to ensure the Tributaries Restoration Project and Mitigation Reserve Program Phase I is not likely to jeopardize the continued existence of any threatened or endangered species or result in the adverse modification of critical habitat. USFWS will issue a Biological Opinion, including terms and conditions, which shall then be included as terms and conditions of the USACE permit issued to the Applicant, Valley District. These terms and conditions may include, for example, ensuring that an authorized and approved biological monitor is in place during construction and that any incidental take in excess of the authorized amount stated in the Biological Opinion is reported immediately to USFWS. The mitigation measures included in this EIR are intended to avoid and minimize harm to the species and will be included in the application to USACE and in the Biological Assessment submitted to USFWS for consultation.

In order to receive incidental take coverage for the state-listed species for least Bell's vireo and potentially Santa Ana River woolly-star, it is anticipated that the Biological Opinion will provide the description and mitigation measures required for CDFW to issue a consistency determination, which states that the federal incidental take authorization is "consistent" with CESA under CFGC Section 2080.1. Alternatively, CDFW may wish to issue a CESA Incidental Take Permit to the project. Expected terms and conditions may address take avoidance, habitat restoration and conservation, construction monitoring, and project operations for federally listed species identified or expected to occur within the Tributaries Restoration Project and Mitigation Reserve Program Phase I limits.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-133 Text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Mitigation Measure BIO-4,* to include the area of survey in the title, as shown below.

Mitigation Measure BIO-4: Conduct Pre-construction Surveys for Coastal California Gnatcatcher within 500 Feet of the Limits of Disturbance

A qualified biologist shall conduct preconstruction surveys for coastal California gnatcatcher no more than 7 days prior to the start of ground-disturbing activities if work would occur between February 15 and August 31. Surveys for coastal California gnatcatcher shall be conducted in suitable habitat within 500 feet of the Tributaries

Restoration Project and Mitigation Reserve Program Phase I limits of disturbance. If a breeding territory or nest is confirmed, USFWS shall be notified and, in coordination with USFWS, an exclusionary buffer shall be established around the nest. Construction activities in occupied coastal California gnatcatcher habitat shall be monitored by a USFWS-approved qualified biologist at a frequency specified by USFWS. Unless otherwise authorized by USFWS, no proposed activities shall occur within the Tributaries Restoration Project and Mitigation Reserve Program Phase I established buffer until it is determined by the qualified biologist that the young have left the nest.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-133 Text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Mitigation Measure BIO-5,* to include CDFW to the measure, as shown below.

Mitigation Measure BIO-5: Conduct Pre-construction Surveys for Least Bell's Vireo Within 500 Feet of the Limits of Disturbance

A qualified biologist shall conduct preconstruction surveys for least Bell's vireo no more than 7 days prior to the start of ground-disturbing activities if work is to occur between March 15 and August 31. Surveys for least Bell's vireo shall be conducted in suitable habitat within 500 feet of the Tributaries Restoration Project and Mitigation Reserve Program Phase I limits of disturbance. If a breeding territory or nest is confirmed, USFWS and CDFW shall be notified and, in coordination with USFWS and CDFW, an exclusionary buffer shall be established around the nest. Construction activities in occupied least Bell's vireo habitat shall be monitored by an ~~USFWS-~~approved qualified biologist at a frequency specified by USFWS and CDFW. Unless otherwise authorized by USFWS and CDFW, no proposed activities shall occur within the Tributaries Restoration Project and Mitigation Reserve Program Phase I established buffer until it is determined by the qualified biologist that the young have left the nest.

Section **Section 3.3, *Biological Resources***

Page Clarification

3.3-136 Clarified text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and*

Mitigation Reserve Program Phase I, Mitigation Measure BIO-9, to include Brand's star phacelia and remove San Diego ambrosia, as shown below.

Mitigation Measure BIO-9: Conduct Preconstruction Surveys Within the Limits of Disturbance for Special-status Plant Species

During the appropriate blooming period up to 1 year prior to initiation of ground disturbance, the work area shall be surveyed to confirm the presence/absence of special-status plant species, including: Santa Ana woolly-star, smooth tarplant, Parry's spineflower, snake cholla, paniculate tarplant, many-stemmed dudleya, Southern California black walnut, Coulter's goldfield, Robinson's pepper-grass, chaparral ragwort, San Bernardino aster, as well as WRCMSHCP narrow endemic species ~~San Diego ambrosia,~~Brand's star phacelia. Surveys shall be conducted in accordance with CNPS and CDFW rare plant survey guidelines and shall be conducted during the flowering period when each species is most readily identifiable, if necessary. A botanist shall determine the blooming period for each species and verify blooming during the growing season by visiting a reference site as necessary to observe if the target species is flowering or otherwise identifiable. A species-specific survey may be required for each special-status plant depending upon the blooming period.

Any special-status plant populations shall be mapped. If the presence of any special-status plant species is confirmed, a copy of the survey results shall be forwarded to USFWS and CDFW. If individuals of a sensitive plant species are observed within the Tributaries Restoration Project and Mitigation Reserve Program Phase I limits of disturbance, then prior to ground disturbance, the individuals shall be flagged and/or mapped for avoidance. If impacts on non-listed species are unavoidable, minimization measures shall be addressed within a 5-year onsite restoration mitigation and monitoring program developed and implemented for the Tributaries Restoration Project and Mitigation Reserve Program Phase I. If impacts on listed plant species are unavoidable, USFWS and/or CDFW shall be consulted prior to proceeding with the project. The following restoration success criteria shall be required.

1. Establishment of restoration site(s) within the Tributaries Restoration Project and Mitigation Reserve Program Phase I, where plant restoration shall occur. The restoration site shall include a restoration mitigation and monitoring program detailing: (1) a clear description of the restoration activities to be completed, including: (a) any recontouring, (b) methods for de-compacting soils, (c) a planting/seeding plan and plant/seed palette, and (d) an irrigation plan; (2) a comprehensive monitoring and maintenance plan, including: (a) a detailed monitoring and maintenance schedule, (b) a nonnative plant removal plan, including procedures to ensure that nonnative plants are not introduced or allowed to sustain within the restoration areas, (c) success standards (e.g., survival, native plant establishment, diversity, nonnative cover), (d) locations of permanent photo stations, and (e) adaptive management measures; (3) graphics and accompanying geographic information system (GIS) shapefiles of the restoration areas; and (4) a contingency plan (e.g., purchase of additional mitigation credits, mitigation at a different offsite location) in the event that the restoration areas do not meet success criteria.

2. Seed collection/salvage, if feasible.

3. A qualified botanist shall identify and submit for approval an appropriate plant palette and restoration methodology compatible with the specific affected special-status species. Mitigation sites could include existing habitats in the Tributaries Restoration Project and Mitigation Reserve Program Phase I of the same vegetation community type, depending on site conditions and locations of special-status plants found.

4. Topsoil salvage and reapplication.

Section **Section 3.3, *Biological Resources***

Page Deletion

3.3-137 Text has been deleted in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Mitigation Measure BIO-10,* to remove an extra letter in "an" in the title of the measure, as shown below.

Mitigation Measure BIO-10: Designate ~~an~~ Qualified Biologist(s) to Ensure Compliance with Avoidance and Minimization Measures

A USFWS-approved qualified biologist(s) with knowledge of least Bell's vireo, coastal California gnatcatcher, Santa Ana sucker, and their habitats shall function as a biological monitor. Prior to initiating Tributaries Restoration Project and Mitigation Reserve Program Phase I activities, the name(s) and resumes of all prospective biological monitors shall be submitted to the appropriate USFWS and CDFW offices. The biological monitor shall ensure compliance with the Tributaries Restoration Project and Mitigation Reserve Program Phase I avoidance and minimization measures. The qualified biologist shall be present on site during construction within and adjacent to occupied least Bell's vireo habitat to ensure that avoidance and minimization measures are in place according to specifications, and shall monitor construction within the vicinity of the least Bell's vireo and coastal California gnatcatcher territories at a frequency necessary to ensure that avoidance and minimization measures are properly followed. The qualified biologist shall report any non-compliance within 24 hours to USFWS.

The qualified biologist shall be familiar with other special-status species known, or having the potential to occur, at the restoration sites and shall be present during construction activities involving initial ground disturbance, dewatering, and vegetation removal. If a special-status species is observed within the limits of disturbance, the biologist shall have authority to stop work in order to prevent harm to the individual. The individual animal shall be allowed to leave the site of its own volition; however, should the biologist determine this is not possible, the individual shall be relocated

outside of the Tributaries Restoration Project and Mitigation Reserve Program Phase I by the qualified biologist.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-145 Text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-1: Potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than significant with mitigation incorporated)*, *Impact BIO-1.1: Construction- and Operation and Maintenance-related Direct Impacts on Special-status Species*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Mitigation Measure BIO-18,* to remove Wash Plan from the measure, as shown below.

Mitigation Measure BIO-18: Consult with Agencies Regarding ESA and CESA Permitting Needed for Expanded Mitigation Reserve Program Phase II Restoration Activities

The Expanded Mitigation Reserve Program Phase II shall obtain federal and state incidental take authorization as necessary for all federally listed species identified as potentially being adversely affected by construction, operations, and/or maintenance within the Expanded Mitigation Reserve Program Phase II limits of disturbance. Implementation of the Upper Santa Ana ~~Wash Plan~~ HCP is expected to provide coverage for federally listed and/or state-listed species when it is approved. Specific Expanded Mitigation Reserve Program Phase II projects that predate the approval of the Upper Santa Ana ~~Wash Plan~~ HCP shall require Valley District to initiate Section 7 consultation with the appropriate federal agency for the purpose of insuring that the specific Expanded Mitigation Reserve Program Phase II projects are not likely to jeopardize the continued existence of any threatened or endangered species identified within the Expanded Mitigation Reserve Program Phase II project limits of disturbance, or result in the destruction or adverse modification of critical habitat for these species within the limits of disturbance. Expected terms and conditions may address take avoidance, habitat restoration and conservation, construction monitoring, and project operations for federally listed species identified or expected to occur within the Expanded Mitigation Reserve Program Phase II limits. Furthermore, those specific Expanded Mitigation Reserve Program Phase II projects that predate the approval of the Upper Santa Ana ~~Wash Plan~~ HCP and result in a take of a state-only listed species identified within the project limits shall require Valley District to apply for a take permit under Section 2081(b). Expected terms and conditions may address take avoidance, habitat restoration and conservation, construction monitoring, and project operations for state-listed species identified or expected to occur within the Expanded Mitigation Reserve Program Phase II limits.

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-181 Added text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-5: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (Less-than-significant level with mitigation incorporated)*, *Tributaries Restoration Project and Mitigation Reserve Program Phase I, Construction Impacts* subsection, to include Brand's star phacelia as a species covered by the WRCMSHCP with potential to occur in the Tributaries Restoration Project and Mitigation Reserve Program Phase I sites, as shown below.

Construction activities could result in temporary direct and indirect impacts on special-status species and their habitats, as described in Impact BIO-1 through Impact BIO-4. This includes species covered by the WRCMSHCP with potential to occur in the Tributaries Restoration Project and Mitigation Reserve Program Phase I sites (American bittern, bald eagle, black-crowned night-heron, black swift, Cooper's hawk, double-crested cormorant, downy woodpecker, ferruginous hawk, grasshopper sparrow, great blue heron, horned lark, least Bell's vireo, Lincoln's sparrow, MacGillivray's warbler, merlin, Nashville warbler, northern harrier, osprey, prairie falcon, sharp-shinned hawk, Southern California rufous-crowned sparrow, tree swallow, turkey vulture, white-faced ibis, white-tailed kite, Wilson's warbler, yellow-breasted chat, yellow warbler, arroyo chub, Santa Ana sucker, southwestern pond turtle, coast horned lizard, coastal whiptail, granite spiny lizard, bobcat, coyote, Dulzura kangaroo rat, long-tailed weasel, Los Angeles pocket mouse, mountain lion, northwestern San Diego pocket mouse, San Diego black-tailed jackrabbit, San Diego desert woodrat, SKR, Santa Ana River woolly-star, smooth tarplant, Brand's star phacelia, California black walnut, Coulter's goldfields, many-stemmed dudleya, Parry's spineflower, Plummer's mariposa lily, and slender-horned spine flower). However, the proposed Tributaries Restoration Project and Mitigation Reserve Program Phase I would implement mitigation measures BIO-2 through BIO-9, and BIO-11 through BIO-12 and would adhere to the requirements of the City of Riverside General Plan (Policies OS-5, OS-6, and OS-7), the City of Jurupa Valley General Plan (Policies COS–1, COS–2, COS–3), and the Riverside County General Plan (Policies OS 3, OS 5, OS 6, OS 9, OS 17, OS 18, and JURAP 7).

Section **Section 3.3, *Biological Resources***

Page Addition

3.3-182 Text has been added in Section 3.3.3, *Environmental Impacts*, *Impacts and Mitigation Measures, Impact BIO-5: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (Less-than-significant level with mitigation incorporated)*, *Expanded Mitigation Reserve Program Phase II, Construction Impacts* subsection, to include Brand's star phacelia as a species covered by the WRCMSHCP with potential to occur in the Tributaries Restoration Project and Mitigation Reserve Program Phase I sites, as shown below.

Construction activities could result in direct and indirect impacts on listed species and their habitat, as described in Impact BIO-1 through Impact BIO-4. This includes species covered by the SKR HCP with potential to occur in the Expanded Mitigation Reserve Program Phase II sites (SKR) and species covered by the WRCMSHCP with potential to occur in the Expanded Mitigation Reserve Program Phase II project sites (American bittern, bald eagle, black-crowned night-heron, black swift, Cooper's hawk, double-crested cormorant, downy woodpecker, ferruginous hawk, grasshopper sparrow, great blue heron, horned lark, least Bell's vireo, Lincoln's sparrow, MacGillivray's warbler, merlin, Nashville warbler, northern harrier, osprey, prairie falcon, sharp-shinned hawk, Southern California rufous-crowned sparrow, tree swallow, turkey vulture, white-faced ibis, white-tailed kite, Wilson's warbler, yellow-breasted chat, yellow warbler, arroyo chub, Santa Ana sucker, southwestern pond turtle, coast horned lizard, coastal whiptail, granite spiny lizard, bobcat, coyote, Dulzura kangaroo rat, long-tailed weasel, Los Angeles pocket mouse, mountain lion, northwestern San Diego pocket mouse, San Diego black-tailed jackrabbit, San Diego desert woodrat, SKR, Santa Ana River woolly-star, smooth tarplant, Brand's star phacelia, California black walnut, Coulter's goldfields, many-stemmed dudleya, Parry's spineflower, Plummer's mariposa lily, and slender-horned spine flower). However, the proposed Expanded Mitigation Reserve Program Phase II would implement mitigation measures BIO-1 through BIO-9, and BIO-11 through BIO-12, described above, as well as adhere to the requirements of the City of Riverside General Plan (Policies OS-5, OS-6, and OS-7), the City of Jurupa Valley General Plan (Policies COS–1, COS–2, COS–3), and the Riverside County General Plan (Policies OS 3, OS 5, OS 6, OS 9, OS 17, OS 18, and JURAP 7).

Section **Section 3.7, *Hazards and Hazardous Materials***

Page Addition

3.7-7 Additional text has been added in Section 3.7.1, *Regulatory Setting*, *Regional and Local*, *County of Riverside*, to provide background information for the Riverside County Department of Waste Resources, as shown below.

Riverside County Department of Waste Resources: The Riverside County Department of Waste Resources (RCDWR) was previously named the Waste Disposal Division of the County Road Department and the Riverside County Waste Management Department until it was renamed RCDWR in 2015. RCDWR has three divisions that manage and operate open and closed landfills: Administration, Engineering/Operations, and Environmental. RCDWR is responsible for 39 landfills, 32 of which are closed, including the first Riverside County landfill, the nearby Pedley Landfill, which opened in 1932. RCDWR provides an opportunity for Riverside County residents to keep hazardous waste out of Riverside County landfills and ensure it is properly managed.

Section **Section 3.7, *Hazards and Hazardous Materials***

Page Clarification/Revision

3.7-13–14 The following clarifications have been made to the discussion of Pedley Landfill near Lower Hole Creek, as shown below.

Lower Hole Creek

The Pedley Landfill that is currently located on a 13.5-acre parcel along the lowermost 1,200 feet of Hole Creek's east bank and extending over to Van Buren Boulevard did not exist in 1931. The land currently occupied by Pedley Landfill was Santa Ana River and Hole Creek floodplain in 1931. The County of Riverside began a burn operation at the site based on a verbal lease of the land from the City of Riverside in 1932. Cut and fill operations at the site began in August 1957 and ended in August 1958 due to insufficient onsite soil cover. It is also evident from the 1931 aerial that the riparian corridor of Lower Hole Creek downstream of Jurupa Avenue was wider than it presently is. Not only has most of the historical floodplain been eliminated by Pedley Landfill, but the alignment of Van Buren Boulevard now travels farther south and closer to the creek than it did in 1931. In 2010, a large flood in the Santa Ana River altered the channel morphology near the confluence with Lower Hole Creek, in addition to increased storm intensity, urban runoff, and the shifting of the Santa Ana River, and caused substantial erosion and damage into the Pedley Landfill. As a result of the risk for continued erosion into the landfill, a project was initiated by RCDWR to excavate approximately 1.3 acres of the landfill and install interlocking concrete mat on the river's south bank. RCDWR is currently planning and permitting additional reinforcement and site improvements to protect public health by removing exposed landfilled material and armoring the landfill slope with articulated concrete blocks. While the northern slopes of the landfill adjacent to the Santa Ana River have been protected with articulated concrete blocks, the majority of the Lower Hole Creek (previously called De Anza Channel) has not been protected.

Section **Section 3.7, *Hazards and Hazardous Materials***

Page Clarification/Revision

3.7-13–14 The following revisions have been made to the analysis of Pedley Landfill near Lower Hole Creek.

Impacts and Mitigation Measures

Impact HAZ-1: Creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Less than significant)

Tributaries Restoration Project and Mitigation Reserve Program Phase I

No significant hazard to the public or environment through release of hazardous materials is likely as a result of restoration work. The Anza Creek, Old Ranch Creek, and Lower Hole Creek tributary sites are bordered by former landfills, but no alterations to the landfills are proposed and the restoration work would not create reasonably foreseeable upset and accident conditions at either former landfill. Valley District and RCDWR will continue to coordinate regarding the proposed project and RCDWR's proposed improvements at the Pedley Landfill, specifically ahead of the completion of the 65 percent project designs, to jointly pursue a long-term solution that addresses improvements that would result in increased stability of the landfill and the ecological health of the Santa Ana River adjacent to the landfill. Any disturbance or removal of

landfill materials that would occur as a result of the proposed project would occur in compliance with federal and state regulations regarding landfill operations, as approved by RCDWR. With this coordination, including information sharing so that the proposed project design team has available design files for the RCDWR improvement project at the Pedley Landfill and with plan submittal review by RCDWR for the proposed project, impacts on the landfill would be minimized and no conflicts would result. No modifications to the historical Tequesquite Landfill ~~landfills~~ are proposed that would release hazardous materials.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-2 The following revisions have been made to Section 4.2.1, *Geographic Scope*.

This chapter considers the potential cumulative effects of the project in combination with other local development and infrastructure projects generally occurring within a 5-mile radius of the project sites. Five miles was considered appropriate because the majority of impacts are considered temporary construction impacts. The analysis of cumulative effects in this chapter focuses on the effects of concurrent construction of the proposed project with other spatially and temporally proximate projects within a 5-mile radius of the project sites, with ~~two~~five exceptions. First, because this project would affect aquatic resource species and water resources that extend beyond a 5-mile radius, projects that would affect similar aquatic resource species and are hydrologically connected to the site (both upstream and downstream in the Santa Ana River) were included in the project list. Additionally, cumulative air quality impacts were evaluated within the South Coast Air Basin.

The 5-mile buffer for cumulative projects in the Upper Santa Ana River watershed includes portions of the cities of Jurupa Valley, Riverside, San Bernardino, Colton, Redlands, Rialto, Highland, and Fontana. Other agencies with projects occurring within a 5-mile radius around the project sites or beyond the 5-mile buffer for similar water resource cumulative projects include Metropolitan Water District, Riverside Public Utilities, Western Municipal Water District, West Valley Water District, Santa Ana Watershed Project Authority, Inland Empire Utilities Agency, ~~and~~ Orange County Water District, and California Public Utilities Commission/Southern California Edison.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-3 The following revisions have been made to Section 4.2.4, *Description of Cumulative Projects*.

Table 4-1 lists current and proposed projects that could potentially contribute to similar cumulative impacts within the project area within a 5-mile radius and beyond (as noted). In addition to the projects listed in Table 4-1, additional development and supporting infrastructure that has not been identified as of this time could occur within the project area, as planned by the cities of Riverside, Jurupa Valley, San Bernardino, Colton, Redlands, Rialto, Highland, and Fontana, as well as Metropolitan Water District, Riverside Public Utilities, Western Municipal Water District, West Valley Water District,

Santa Ana Watershed Project Authority, Inland Empire Utilities Agency, ~~and~~ Orange County Water District, and California Public Utilities Commission/Southern California Edison. Figure 4-1 displays the locations of the ~~69~~ 72 known projects listed in the table below in relation to the proposed project sites. The related projects consist of a variety of land uses, including roadway improvements, residential development, habitat reconstructions, water treatment, storm drainage and infrastructure improvements, electrical transmission projects, commercial development, and recreation.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition/Clarification

4-4 Figure 4-1, *Cumulative Projects*, has been revised to add cumulative project #58, the Riverside Transmission Reliability Project, #59, Rialto's Change Petition, and #60, Rialto Channel Regional Flood Control System. Clarifications were made to cumulative projects #1, #2, and #56.

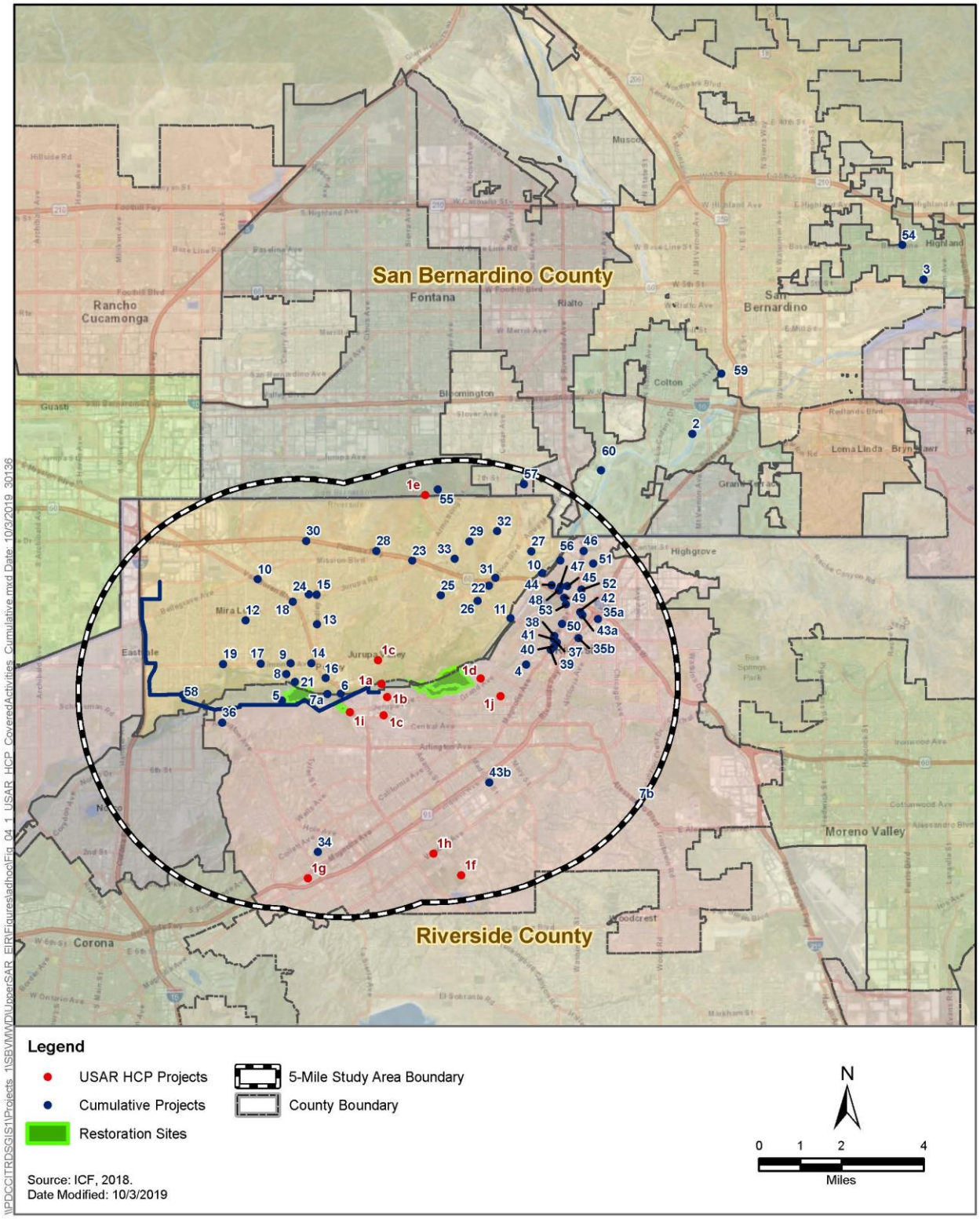

Figure 4-1. Cumulative Projects

Chapter **Chapter 4, *Cumulative Analysis***

Page Addition

4-5 Table 4-1, *Cumulative Project List*, has been revised as follows.

ID #	Project Name	Project Location	Project Type	Project Description	Status	Within 5 Mile-Buffer?
San Bernardino Municipal Valley District						
1	Upper SAR Habitat Conservation Plan (HCP)	Multiple locations in the upper Santa Ana River watershed	Habitat conservation plan pursuant to Section 10 of the Endangered Species Act	Valley District is preparing the HCP that will include multiple projects within the upper Santa Ana River to permit proposed water infrastructure projects and implement a landscape-scale conservation strategy to include creation and enhancement of aquatic and riparian habitat.	In planning	Yes, see *Upper SAR HCP Covered Activities* below for projects within 5 miles.
2	Riverside North Aquifer Storage and Recovery Project	City of Colton	Stormwater Capture and Recharge project	Riverside Public Utilities (RPU) will capture and recharge stormwater to the Rialto-Colton and Riverside groundwater basins for extraction and municipal use. The project consists of an inflatable dam with a diversion structure, off-channel recharge facilities, and conveyance facilities.	In planning	No, upstream (but included on map)
56	La Rivera Development – Surface Drainage Improvement Project (P11-0415)	Southern terminus of Salmon River Road in the La Rivera residential development	Drainage improvements	Proposal to improve existing drainage conditions due to storm flow runoff and installation of storm drains adjacent to the Santa Ana River.	Mitigated Negative Declaration prepared by the City of Riverside in 2012	~~No but included on map~~Yes
58	Riverside Transmission Reliability Project (RTRP)	Multiple locations in in Jurupa Valley, Riverside and Riverside County	New and relocated overhead and underground transmission lines	Construction, relocation, and operation of new overhead and underground 230-kilovolt double-circuit transmission lines and other modifications proposed by California Public Utilities Commission (CPUC) in conjunction with Southern California Edison (SCE) and RPU (Application No. A.15-04-013). RTRP component Distribution Line Relocation #7 is nearest the proposed project at the Santa Ana River Trail.	CPUC to make a decision on Subsequent Final EIR in late 2019	Yes

ID #	Project Name	Project Location	Project Type	Project Description	Status	Within 5 Mile-Buffer?
59	Rialto's Change Petition	City of Rialto	Recycled Water Project	The Change Petition proposes to reduce wastewater flows to the Santa Ana River. The City proposes the reuse of recycled water in its service area as well as the marketing of surplus recycled water to water agencies outside of the Rialto municipal service area.	Pending before the State Water Resources Control Board	No, but included on map
60	Rialto Channel Regional Flood Control System	City of Rialto, City of San Bernardino, City of Colton	Stormwater drainage improvements	The Rialto Channel project would increase channel capacity and reduce impediments to flow between I-210, Cactus Basins, and the Santa Ana River. The design may include routing of local roadway drainage and development within the existing Rialto Airport to the Cactus Basins.	In planning	No, but included on map

Sources: San Bernardino Municipal Valley Water District: Current Valley District Projects Website: https://sbvmwd.maps.arcgis.com/apps/Shortlist/index.html?appid=14ff0ef31b3940059029a20e9e556fff (accessed September 1, 2018); *San Bernardino Municipal Valley Water District Draft Upper SAR HCP*, Chapter 2, Covered Activities, April 2018; City of Jurupa Valley Capital Improvement Plan & Major Projects Website: http://www.jurupavalley.org/Departments/Development-Services/Public-Works-and-Engineering/Capital-Improvement-Projects (accessed September 1, 2018); City of Riverside Planned Construction Projects Website: https://www.riversideca.gov/publicworks/engineering/planned-construction.asp; Santa Ana Watershed Project Authority. December 2017. *Santa Ana Sucker Habitat Protection and Beneficial Use Enhancement Project Final Initial Study/Mitigated Negative Declaration*. SCH #2017101064l; San Bernardino Valley Municipal Water District. *Sterling Natural Resource Center Final EIR*, March 2017. Available: http://www.sbvmwd.com/reports/reports/-folder-1080; Inland Empire Utilities Agency, Draft Santa Ana River Conservation Conjunctive Use Program EIR, November 2018. Available: https://18x37n2ovtbb3434n48jhbs1-wpengine.netdna-ssl.com/wp-content/uploads/2018/11/Santa-Ana-River-Conservation-and-Conjunctive-Use-Project-Draft-EIR-2018-11-05.pdf; State Of California Public Utilities Commission, Southern California Edison's Riverside Transmission Reliability Project website, https://www.cpuc.ca.gov/Environment/info/panoramaenv/RTRP/index.html#FSEIR.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-17–18 The following revisions have been made to Section 4.3.2, *Resource Topics*, *Agriculture and Forestry Resources*.

In fact, the proposed project may contribute to a positive cumulative benefit to agricultural resources. There are 70 acres of wetlands just south of the Santa Ana River next to the Hidden Valley Creek site, called the Hidden Valley Ponds, that dried up in 2010 after a severe storm washed out parts of the channel and rearranged the pipes that helped feed the ponds. A coalition of local officials and conservationists have been working together since 2016 on a plan to refill the ponds and lure back birds like mallards, egrets, herons, and other water-loving birds to the ponds (Press-Enterprise 2016). Although this is not considered typical farmland or agricultural uses, there would be coordination with the land manager for the nearby Hidden Valley Ponds to facilitate water delivery from the Hidden Valley Creek site to the ponds for the use of crops that support migratory wildlife and for other benefits. The Riverside Transmission Reliability Project (RTRP) would have significant and adverse impacts involving the loss of agricultural land designated as Farmland of Statewide Importance; however, these impacts are not within the project area (the nearest RTRP impact area is east of Wilderness Avenue south of the Santa Ana River) and no cumulative impact would result with the proposed project.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-19 The following revision has been made to Section 4.3.2, *Resource Topics*, *Biological Resources*.

A variety of development and water and electrical infrastructure projects are underway or reasonably foreseeable in the vicinity of the project limits of disturbance (Table 4-1).

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-24 The following revision has been made to Section 4.3.2, *Resource Topics*, *Hydrology and Water Quality*.

Similarly, the Rialto Change Petition could potentially supply recycled water to the project area, although the delivery of the water has yet to be determined. The reuse of Rialto's recycled water would reduce the demand for both imported water and groundwater in areas that could be served by the Change Petition project. As mentioned for the Purple Line project, the Rialto Change Petition project could lessen effects on the groundwater supplies due to the reuse of water and would result in a positive effect for long-term availability of water that could be used by the proposed project. The Rialto Change Petition has been filed with the State Water Resources Control Board under Wastewater Change Petition WW0079.

Some of the projects in the cumulative list also include roadway improvements, infrastructure improvements, residential development, and commercial development, which could increase impervious surfaces in the watershed and utilize additional water supplies. However, these projects would be required to comply with the local municipal separate storm sewer system permits and implement Low-Impact Development best management practices (BMPs) and potentially post-construction BMPs to reduce the discharge of stormwater and pollutants associated with those developments. As such, impacts would be expected to be less than significant with compliance with local stormwater regulations. Because the proposed project along with other cumulative restoration projects in the watershed would help to increase water supply and enhance existing natural environments, the proposed project's cumulative effects is anticipated to result in an overall net positive benefit to the watershed in terms of water supply and ecosystem health.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-26 The following additions have been made to Section 4.3.2, *Resource Topics*, *Noise*.

An additional project that could affect sensitive receptors adjacent to the Lower Hole Creek and Hidden Valley Creek restoration project sites, RTRP, is located near the residential areas along Bradford Street and Auld Street in the city of Riverside, and temporary construction impacts could be significant if pile driving was needed. However, alternate methods such as drilled piles, shoring sleds and shields, and hydraulic jacks would be used by the RTRP to shore walls instead of using a pile driver. As such, the impact of temporary construction noise from RTRP Distribution Line Relocation #7 would be less than significant. As RTRP construction at this location would last only a few days and noise would cease after construction is complete, construction impacts are anticipated to be short term and minimized with alternative methods of construction and implementation of mitigation measures. The RTRP could combine with the proposed project to result in a cumulative construction noise effect on sensitive receptors in the city of Riverside. However, operational impacts are anticipated to be negligible for any form of infrequent maintenance that might be required.

All construction activities from the proposed project would be restricted to the hours permitted by the local municipal codes and, as a result, would be exempt from local noise limits. By definition, any simultaneous construction and/or maintenance activity from related projects would have to occur during the same hours and would also be exempt. Consequently, there would be no significant construction noise impact from either the individual or combined activities and the cumulative noise impact would be less than significant.

Many of the closest related projects in the vicinity of the noise- and vibration-sensitive receivers considered in this EIR are restoration projects that would not include permanent operational noise sources. As a result, there would be no cumulative operational noise impacts associated with those projects. Other related projects would include new or altered operational noise sources such as mechanical equipment (wells, pump stations, HVAC equipment, etc.) or traffic. The proposed project would generate

negligible traffic, so cumulative traffic noise impacts would not occur. As stated in Chapter 6, Section 6.1.13, *Transportation*, the construction phase of the project is not expected to result in a noticeable increase in traffic volumes. After the completion of the restoration and mitigation activities and maintenance process, the project is not anticipated to generate any additional vehicular traffic and the amount of vehicle miles traveled would not noticeably change levels of service from existing conditions. The receivers that are potentially exposed to operational noise (well pumps/motors) from the proposed project are all located along the Santa Ana River. Related projects located outside of the Santa Ana River are separated from those receivers by distances of approximately 500 to 1,500 feet, as well as intervening buildings and topography, which would serve to eliminate substantial cumulative noise impacts related to those projects. Although the details are currently unknown, there is the possibility that related water or electrical infrastructure projects could introduce new noise-generating equipment in the vicinity of noise-sensitive receivers affected by the proposed project. In this scenario, operational noise levels from the proposed and related projects could combine to increase noise levels at nearby receivers. The cumulative operational noise among these projects would likely vary from month to month, and from year to year. As with the proposed project, each of these future projects would be required to mitigate potentially significant noise impacts on sensitive receptors. Because noise mitigation measures for the proposed project would ensure compliance with local municipal code noise limits and would minimize the potential increase in ambient noise, the proposed project's contribution to cumulative operational noise levels would not be substantial and the cumulative impact would be less than significant.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-28 The following revision has been made to Section 4.3.2, *Resource Topics*, *Population and Housing*.

In general, implementation of the proposed project is not anticipated to have any impact on population or housing in the surrounding area, nor is it anticipated to result in the displacement of any permanent residences. Therefore, the project would not contribute to any significant cumulative impacts related to population or housing. However, the Santa Ana River within and near the project area contains approximately 120 homeless encampments, some of which would be removed as part of the proposed restoration activities. These encampments are illegally constructed in public open space areas and in areas not zoned or designated for residential uses by the County of Riverside and the cities of Riverside and Jurupa Valley. The City of Riverside and City of Jurupa Valley in coordination with the County of Riverside and other local agencies have established homeless programs to address the relocation of homeless people to suitable housing along with human and social service needs. As such, the proposed project would not contribute to significant cumulative population and housing impacts.

Chapter **Chapter 4, *Cumulative Impacts***

Page Addition

4-29 The following revision has been made to Section 4.3.2, *Resource Topics*, *Utilities and Service Systems*.

Similar to the proposed project, the Hidden Valley Wetland Ponds Project, Santa Ana Sucker Habitat Protection and Beneficial Use Enhancement Project, and Santa Ana River Arundo Removal would also have a fairly minimal demand for the provision of water supplies and would generally not have a permanent need for a significant source of water. In addition, some cumulative projects would serve to improve or replace old or failing water utility infrastructure in the area, such as the Riverside Corona Feeder Project, Facilities Maintenance, Arlington Production Wells and Pipeline, and Western Pump Station, further enhancing the resiliency of the water supply system.

Reclaimed water could be provided to the project sites by the City of Riverside's Regional Water Quality Control Plant via a conceptual recycled water project, "the Purple Pipe," that could supply the needed flow requirements for the restoration and mitigation sites. The status of this pipeline project is currently unknown and there is uncertainty regarding the feasibility of using reclaimed water to provide supplemental flows at restoration sites because the reclaimed water would need to be dechlorinated before being discharged into each project site. However, it is likely that if the Purple Pipe project was approved and constructed, the groundwater pumps proposed as part of the proposed project would become a redundant form of water supply to the restoration sites and thus would be used infrequently as a backup water supply. In this scenario, there would be a lessened effect on the groundwater basin supplies due to the use of recycled water over the pumped groundwater, thus reducing the effects of the proposed project regarding the need for water supply at the Old Ranch Creek and Hidden Valley Creek sites. Use of recycled water would result in a positive effect for long-term use on these sites.

The other nearby Hidden Valley Wetland Ponds project site would have altered natural hydrology from excavation to provide groundwater connection to the site and levee removal to restore connection to the floodplain. However, there is also potential to provide supplemental flows from either refurbished groundwater pumps, new groundwater pumps, or reclaimed water from the Purple Pipe project delivered to the site to supplement natural flows at the proposed project sites. Other projects, including Rialto's Change Petition, may propose to reduce wastewater flow to the Santa Ana River upstream, Temporary irrigation would occur during the planting and establishment phase of the proposed project. Because the Tributaries Restoration Project and the Mitigation Reserve Program would not result in the need for new systems or substantial alterations to existing systems that would have environmental impacts, the proposed project in conjunction with other reasonably foreseeable projects would not contribute to cumulative utilities and service systems impacts and are anticipated to have an overall positive effect on the regional water supplies for the Santa Ana River watershed.

Appendix I
Narrow Endemic Plant Habitat Assessment and Focused Survey Report

Memorandum

To:	Heather Dyer, San Bernardino Valley Municipal Water District
From:	Shawn Johnston Senior Biologist, ICF
Date:	October 8, 2019
Re:	**Narrow Endemic Plant Habitat Assessment and Focused Survey Report for the Upper Santa Ana River Tributaries Restoration Project**

ICF conducted a habitat assessment and focused surveys for Western Riverside County Multiple Species Habitat Conservation Plan (WRC MSHCP) Narrow Endemic Plant Species for the San Bernardino Valley Municipal Water District's ("District") Upper Santa Ana River Tributaries Restoration Project (Project). The habitat assessment and subsequent focused survey were conducted in July and August of 2019 for the Project's four separate restoration sites: Old Ranch Creek, Anza Creek, Lower Hole Creek, and Hidden Valley Creek (Attachment A, Figure 1). The restoration sites are located in the Cities of Riverside/Norco Area Plan and Jurupa Area Plan of the WRC MSHCP and portions of the sites occur within WRC MSHCP Narrow Endemic Plant Species Survey Area 7 for San Diego ambrosia (*Ambrosia pumila*), Brand's phacelia (*Phacelia stellaris*), and San Miguel savory (*Clinopodium chandleri*) (Attachment A, Figure 2). This letter report provides the methods, and results of the habitat assessment and focused surveys, and provides recommendations for additional surveys.

Project Location and Survey Areas

The study areas for the Anza Creek and Hidden Valley Creek sites are within the jurisdiction of the cities of Riverside and Jurupa Valley and the County of Riverside. The Old Ranch Creek study area is within the cities of Riverside and Jurupa Valley. The Lower Hole Creek study area is within the City of Riverside.

Anza Creek and Old Ranch Creek

The Anza Creek and Old Ranch Creek sites occupy the same overall area on the Santa Ana River's south floodplain about 2 miles downstream of Mount Rubidoux. The 207.9-acre Old Ranch Creek site is generally located in the eastern half of the site while the 125.3-acre Anza Creek site occupies the western half of the site. Riverside County owns the majority of the sites' land, while some land along the eastern boundary adjacent to the closed Tequesquite landfill is owned by the City of

Riverside (refer to Appendix A, Figure 1). Access is available via public right-of-way. The fine grained, sandy soils at the Anza Creek and Old Ranch Creek sites are linked to the alluvial processes of the Santa Ana River channel that used to occupy the site. The channel at Anza Creek and Old Ranch Creek flows through three mapped soil types: 1) Grangeville fine sandy loam (GuB), 2) Dello loamy fine sand (DoA), and 3) Delhi fine sand (DaD2).

Lower Hole Creek

The 19.8-acre Lower Hole Creek restoration site is located west of Van Buren Boulevard and the closed Pedley landfill, south of the Santa Ana River, and north and east of the single-family housing developments located along Lower Hole Creek. The proposed Lower Hole Creek site begins downstream of Jurupa Avenue where the stream passes under the road through a large, newly installed 40-foot concrete box culvert. Lower Hole Creek meets the Santa Ana River at the downstream end. Most of the site is owned by CDFW but the upper 260 feet of the Lower Hole Creek channel and floodplain is owned by the City of Riverside. Additional privately held parcels are located in the southeastern corner of the site and elevated high above the creek. Access is available via public right-of-way. Lower Hole Creek is located in terrace escarpment soils (TeG) for nearly its entire length in the site. Specific soil properties, such as clay and sand content, are not provided by the Natural Resources Conservation Service for terrace escarpment soils because the soils in these locations are generally shallow, poorly developed, and rocky in nature.

Hidden Valley Creek

The 135.3-acre Hidden Valley Creek site is on the inside of a meander bend on the south side of the Santa Ana River about 0.75 mile downstream of the Van Buren Boulevard Bridge and the City of Riverside's Regional Water Quality Control Plant. Nearly all of the land at the site is owned by the State of California (CDFW) and has a long history of management for conservation purposes. The State-owned land is managed by Riverside County Parks and Open Space District. Access is available via public right-of-way. The fine grained, sandy soils at the Hidden Valley site are linked to the alluvial processes of the Santa Ana River channel that routinely shifts position and forms new channels and floodplain at the site in response to flood events. The channel at Hidden Valley flows through two mapped soil types: 1) Grangeville fine sandy loam (GuB), and 2) Dello loamy fine sand (DmA).

Collectively, these sites support 13 native vegetation communities, three nonnative vegetation communities, and three land cover types. The native vegetation communities are: arrow weed thickets, black willow thickets, black willow/Fremont cottonwood forest, California buckwheat scrub, California sycamore woodlands, cattail marshes, Fremont cottonwood forest, Fremont cottonwood/willow forest, Fremont cottonwood/willow/mulefat forest, Fremont cottonwood/willow/wild grape forest, mulefat thickets, salt grass flats and sandbar willow thickets. The non-native communities are as follows: California annual grassland, giant reed breaks and non-native riparian. The three types of land cover are: disturbed habitat, open water and urban/developed.

Methodology

The habitat assessment and focused surveys generally followed the California Native Plant Society (CNPS) Botanical Survey Guidelines (CNPS 2001) and the California Department of Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The habitat assessment consisted of a review of available resources for the three narrow endemic plant species which included a review of information available for the species in the CNPS Inventory of Rare and Endangered Plants (CNPS 2019), the CDFW California Natural Diversity Database (CNDDB), the California Consortium of Herbarium (CCH 2019), and the WRC MSHCP Species Accounts (Dudek 2003). Additional materials reviewed included available USDA NRCS soils information for the restoration sites and existing botanical survey report (ICF 2015) and vegetation mapping (ICF 2015) prepared for the Project.

As part of the habitat assessment a visit to reference sites was conducted to document current phenology and general habitat parameters. The nearest reference site of Brand's phacelia is based on a CNDDB record located approximately three quarters of a mile northeast of the Old Ranch Creek study area near the horse trail behind the Riverside County Regional Parks and Open Space district office on Crestmore Road. The nearest reference population of San Ambrosia is based on a CNDDB record approximately 1 mile southeast of the Lower Hole study area at the intersection of Van Buren Boulevard and Arlington Avenue and is presumed extirpated.

A site visit to the restoration site study areas was conducted by ICF botanist Shawn Johnston and Kelsey Dix to confirm site conditions and existing mapping on July and August 2019. Suitable habitat was mapped and documented in the field. Focused plant surveys were conducted from July 30, 2019 to August 1, 2019 by ICF botanists Shawn Johnston and Kelsey Dix for all areas of suitable habitat. All plant species observed were recorded and plant species nomenclature adhered to The Jepson Manual (Baldwin et al. 2012). A list of all plant species observed during the habitat assessment and focused survey is included as Attachment B.

Results of Habitat Assessment

Based on habitat parameters, two of the three species targeted in the habitat assessment were determined to have a potential to occur within the restoration site study areas: San Diego Ambrosia and Brand's star phacelia. San Miguel Savory was determined not to have a potential to occur in the restoration site study areas based on a lack of suitable habitat and the study areas occurring outside of the species known range. The result of the habitat assessment is provided for each species. Figure 3 (Attachment A) depicts the results of the habitat assessment and focused survey. Table 1 provides the status and general habitat parameters for each of the three species.

Table 1. WRC MSHCP Narrow Endemic Plant Survey Area 7 Species Review

Species	Status	Known Habitat Parameters
San Diego ambrosia (*Ambrosia pumila*)	FE, 1B.1	Sandy loam or clay, often in disturbed or alkaline areas of chaparral, coastal scrub, valley and foothill grasslands and vernal pools (CNPS 2019), usually occurs in open floodplain terraces or on the watershed margins of vernal pools (Munz 1974, Reiser 2001); Elevation: 66 – 1,360 ft. (20 – 415 m). Blooming period: April – October.
Brand's phacelia (*Phacelia stellaris*)	FE, SE, 1B.1	Coastal dunes and/or coastal scrub (CNPS 2019) and typically occurs in sandy openings, sandy beaches, dunes, sandy washes, or floodplains of rivers (Wilken et at. 1993); Elevation: 3 – 1,300 ft. (1 – 400 m). Blooming period: March – June.
San Miguel savory (*Clinopodium chandleri*)	1B.2	Rocky, glabbronic or metavolcanic soils in chaparral, cismontane woodland, coastal scrub, riparian woodland and valley and foothill grasslands (CNPS 2019); Elevation: 394 – 3,530 ft. (120 – 1,075 m). Blooming period: March – July.

San Diego Ambrosia (*Ambrosia pumila*)

San Diego ambrosia occurs in disturbed areas of sandy loam or clay soils in chaparral, coastal scrub, valley and foothill grassland and vernal pool habitats (CNPS 2019). In addition, the WRC MSHCP Species Account (Dudek 2003) provides the following detail about San Diego Ambrosia in western Riverside County.

"San Diego ambrosia occurs in open floodplain terraces or on in the watershed margins of vernal pools. This species occurs in a variety of associations that are dominated by sparse non-native grasslands or ruderal habitat in association with river terraces, vernal pools, and alkali playas (Munz 1974; Reiser 2001). The extant Riverside County localities are found on Garretson gravelly fine sandy loams when in association with floodplains, and on Las Posas loam in close proximity to silty, alkaline soils of the Willows series (Knecht 1971) at Skunk Hollow."

There is a lack of Garreston gravelly fine sandy loams associated within the floodplains and Las Posas loam in near the Willow series soils within the study area. However, based on the presence of suitable habitat it was determined that the Lower Hole Creek study area contains areas of moderately suitable habitat for the species due to the disturbed nature and sandy soils of the open grassland area (Attachment A, Figure 3,Sheet 2). All other study area sites contain floodplain areas, however these areas contain a thatch cover consisting of non-native grasses and broadleaf weeds that would be too dense to be considered suitable habitat for the species. Focused surveys were conducted for San Diego Ambrosia within a portion of the Lower Hole Creek study area in the fall of 2019 and none were found.

Brand's Phacelia (*Phacelia stellaris*)

Brand's phacelia occurs in coastal dunes and sandy pockets within sage scrub communities (CNPS 2019). In addition, the WRC MSHCP Species Account (Dudek 2003) provides the following detail about Brand's phacelia in western Riverside County.

"Suitable habitat for Brand's phacelia includes coastal dunes and/or coastal scrub in sandy openings, sandy benches, dunes, sandy washes, or flood plains of rivers and is restricted to clay soils at elevations between 0 and 400 m. ….potential habitat was considered to consist of coastal sage scrub between 5 and 400 m in the Riverside Lowlands Bioregion."

The species is known to occur along the Santa Ana river based on a 2003 record from the Santa Ana Wilderness Area (CNDDB 2019) located 0.75 miles upstream of the Old Ranch Creek study area. The record states that the species occurred on a sandy flat between the riparian forest and vegetable fields and associated species were *Croton californicus*, *Camissonia micrantha*, Crassula *connata* (CCH 2019).

A reference visit was conducted to the Santa Ana Wilderness Area on July 31, 2019 by ICF botanists Shawn Johnston and Kelsey Dix. Due to the timing of the reference visit occurring outside of the flowering period for the species no Brand's phacelia was observed, but the habitat for the species was documented to be composed of open sandy/riverwash soils with a relatively low cover (>15%) of native annual/ perennial herbs such as *Ambrosia acanthocarpa* and *Croton californica* and very low non-native cover (>5%) comprised of *Schismus* sp. and *Hirschfeldia incana*.

Based on the presence of similar open sandy/riverwash soils with sparse relatively low growing vegetation, it was determined that there was high quality of suitable habitat present within the Hidden Valley Creek (19.5-acre), and that there is very limited habitat suitability present at the Anza Creek (2-acre) and Old Ranch Creek (5-acre) study areas (Attachment A, Figure 3, Sheets 1 through 3). No suitable habitat was determined to occur in the Lower Hole Creek study area due to a lack of open sandy/riverwash soils with sparse low growing vegetation. Due to the flowering period for Brand's phacelia occurring from March to June, it was determined that focused surveys could not be conducted until spring of 2020. Therefore, a focused survey was not conducted following the habitat assessment.

San Miguel Savory (*Clinopodium chandleri*)

This species occurs in rocky, gabbroic, or metavolcanic soils in chaparral, cismontane woodland, coastal scrub, riparian woodland and valley and foothill grassland habitats (CNPS 2019). In addition, the WRC MSHCP Species Account (Dudek 2003) provides the following detail about San Miguel savory in western Riverside County.

"This species is primarily restricted to rocky, gabbroic and metavolcanic substrates in coastal sage scrub, chaparral, cismontane woodland, riparian woodland, and valley and foothill grasslands (between 120 and 1,005 m). The majority of the populations/individuals are associated with the Santa Rosa Plateau and the Santa Ana Mountains."

No suitable soils occur in the study area for the species. The study areas contain riparian woodland and grassland habitat, but the species is not expected to occur due to the lack of suitable soils in association with the vegetation communities. In addition, the closest documented population of San Miguel savory is located 31 miles south of the study area at the Santa Rosa Plateau near Murrieta (CNDDB 2019). Therefore, this species is not expected to occur in the study areas, and it was determined that no further surveys are needed regarding this species.

Results of Focused Survey

No San Diego ambrosia or other Narrow Endemic Plant Survey Area 7 plants were detected during the focused survey. Although not a target species for this survey, Santa Ana River Woollystar (*Eriastrum densifolium* ssp. *sanctorum*) was incidentally observed during the habitat assessment and recorded. The results of the habitat assessment and focused survey for San Diego ambrosia are depicted in Attachment A, Figure 3, Sheet 2. Attachment B provides a list of all plant species detected during the habitat assessment and focused survey efforts. The results of the focused survey conducted for San Diego ambrosia are discussed below.

San Diego Ambrosia

There were no visits to reference populations for this species as the nearest record to the site is presumed extirpated and the closest presumed extant populations are located 17 miles south of the study areas. However, the species was observed in bloom by ICF botanists on June 25th in San Diego County and if present would reasonably be expected to be detectable in the study area during the time of the habitat assessment and focused survey.

A focused survey was conducted on August 1, 2019 by ICF botanists Shawn Johnston and Kelsey Dix throughout the potential habitat within the Lower Hole Creek study area during the appropriate blooming period. San Diego ambrosia was not detected during the survey; therefore it is considered absent and not expected to occur within the Lower Hole Creek study area.

Recommendations

Due to the limited to high potential for Brand's phacelia to occur in the study areas, additional surveys in the Hidden Valley Creek, Anza Creek, and Old Ranch Creek study areas are recommended during the blooming period of Brand's phacelia to confirm presence/absence of the species within the study areas. A focused survey within the Lower Hole study area would not be needed based on the lack of suitable habitat for this species.

No additional surveys are recommended for San Diego ambrosia and San Miguel savory.

Please do not hesitate to contact Shawn Johnston at shawn.johnston@icf.com or (619) 600-7234 with any questions or comments about the findings of the habitat assessment and focused survey.

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Attachment A
Figures

Figure 1 – Regional Vicinity
Figure 2 – Survey Area
Figure 3 – Narrow Endemic Plant Species Survey Area Habitat Assessment and Focused Survey Results

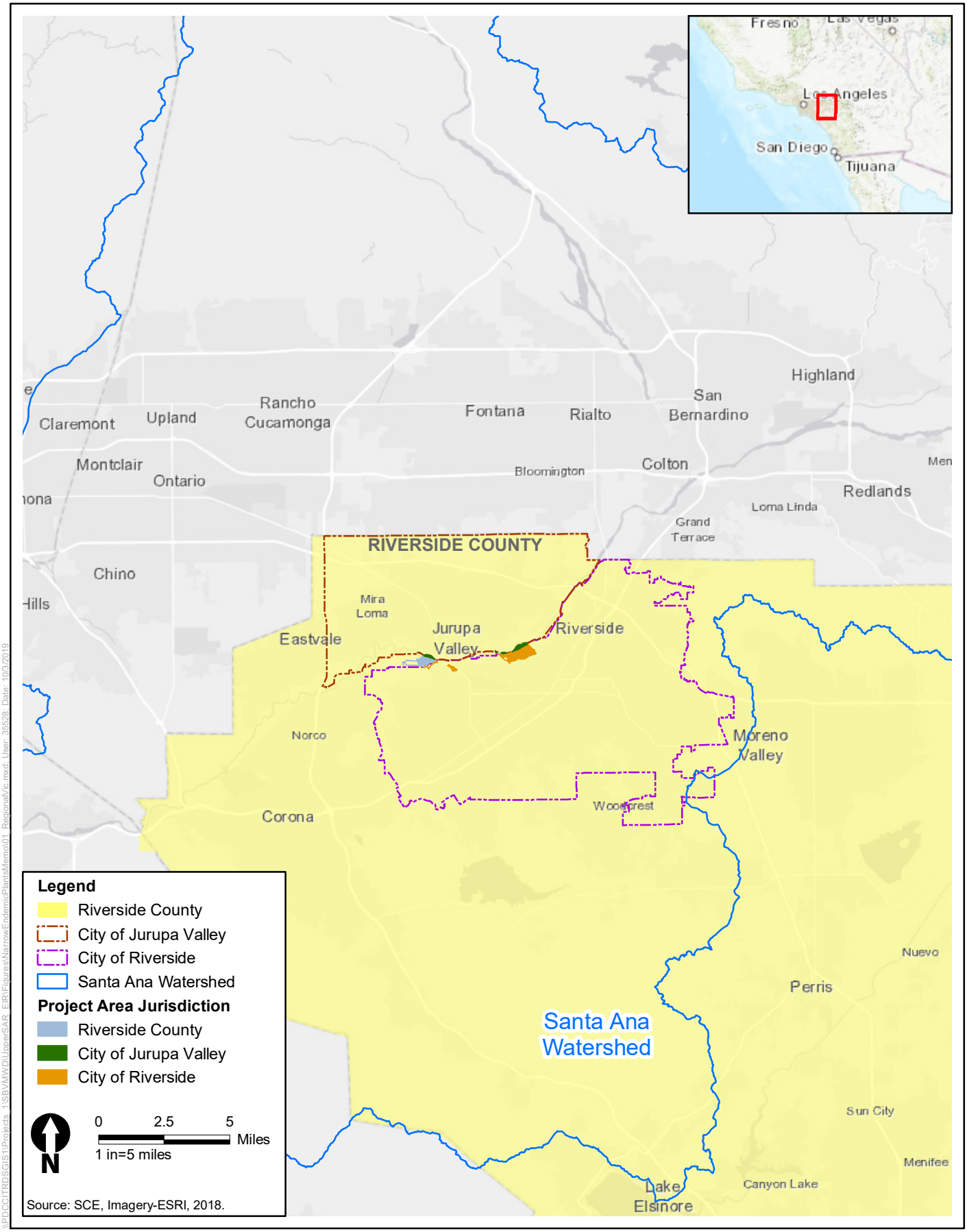
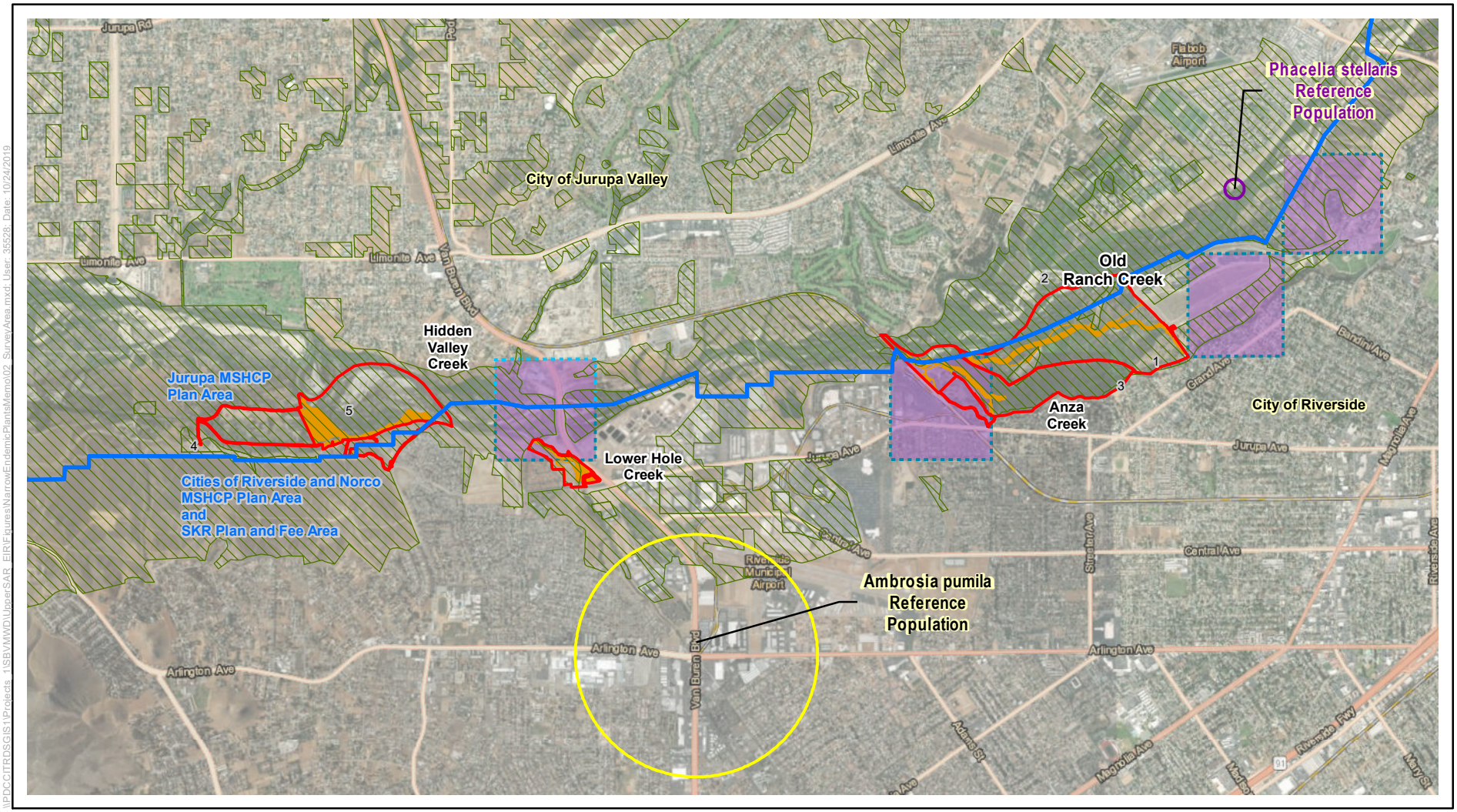


Figure 1
Regional Location
Upper Santa Ana River Tributaries Restoration Project



Legend

Tributaries Restoration Project and Mitigation Reserve Program Phase I

Expanded Mitigation Reserve Program Phase II

Reference Populations (CNDDB)

Brand's star phacelia

San Diego ambrosia

Western Riverside MSHCP

Plan Area

Narrow Endemic Plants Survey Area

SU1 - Santa Ana River North Subunit

SU1 - Santa Ana River South Subunit

Criteria Area Cells

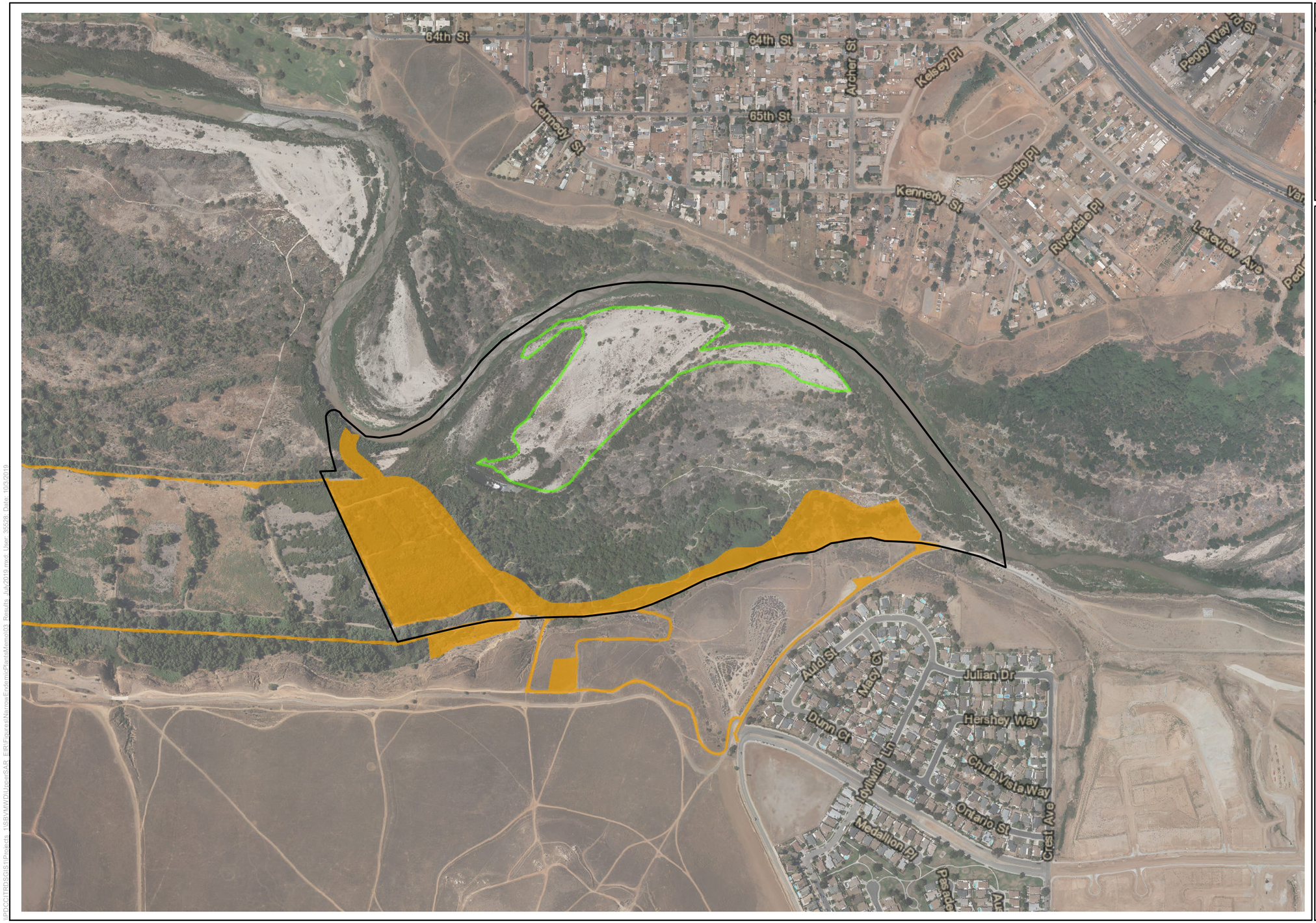
Sources: ICF; SBVMWD; RiversideCounty, 2019

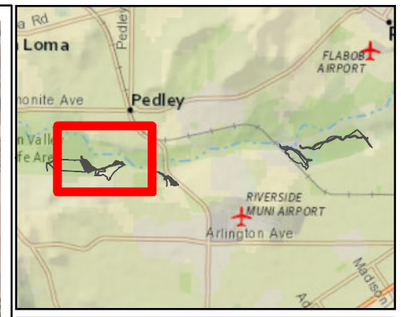
0 4,000 Feet

1:48,000

N

Figure 2
MSHCP Narrow Endemic Survey Areas
Upper Santa Ana River Tributaries Restoration Project





Legend

- Study Areas
- Tributary Project Area

Suitable Habitat

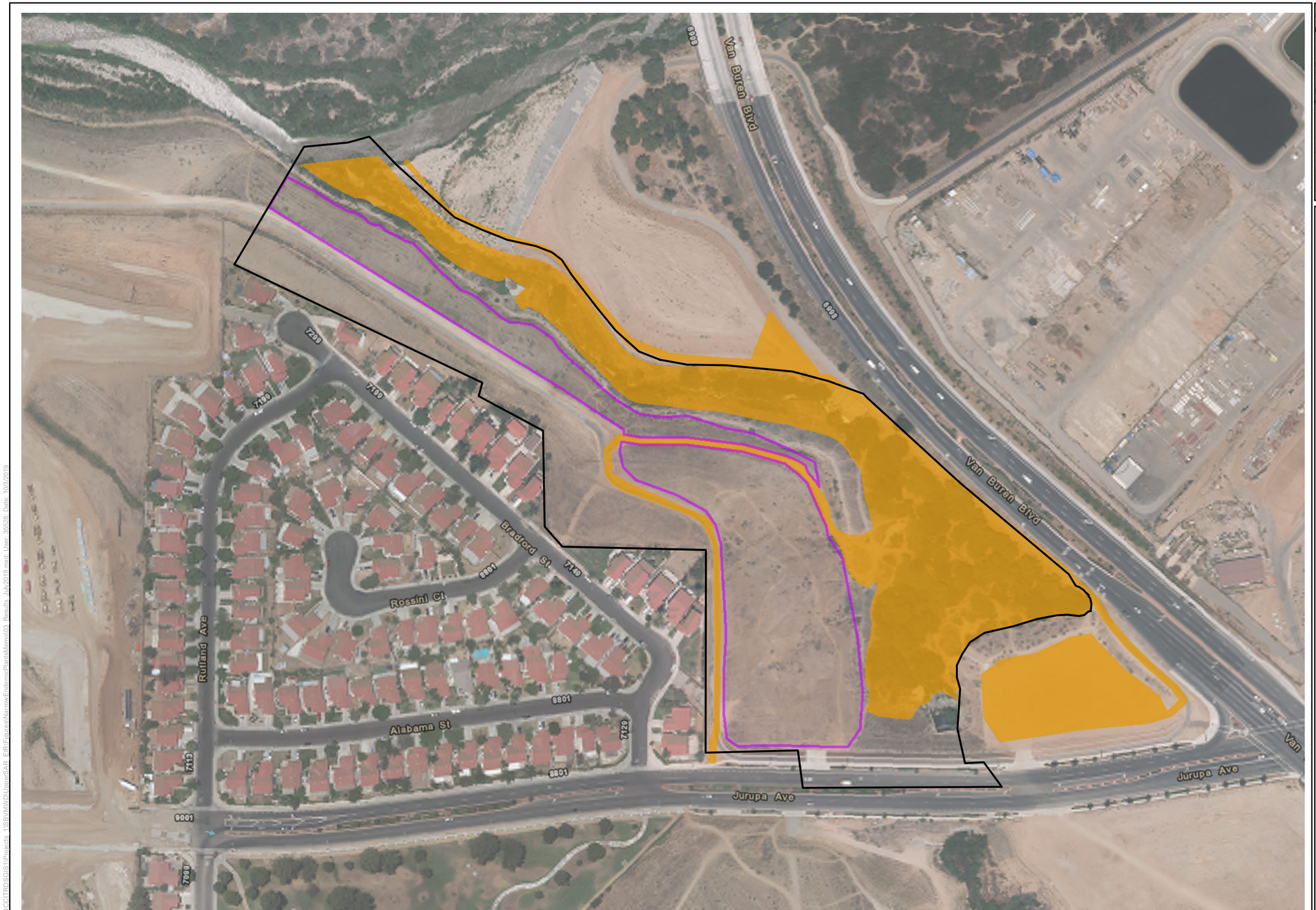
- Brand's phacelia

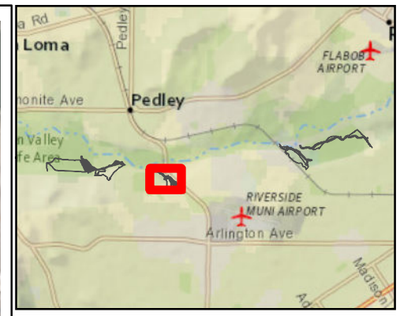
Source: ICF; ESRI 2019

0 300 600 Feet
1:7,200

N

Figure 3 Sheet 1
Narrow Endemic Plant Species Survey Area HA and Focused Survey Results Upper Santa Ana River Tributaries Restoration Project





Legend

- Study Areas
- Tributary Project Area

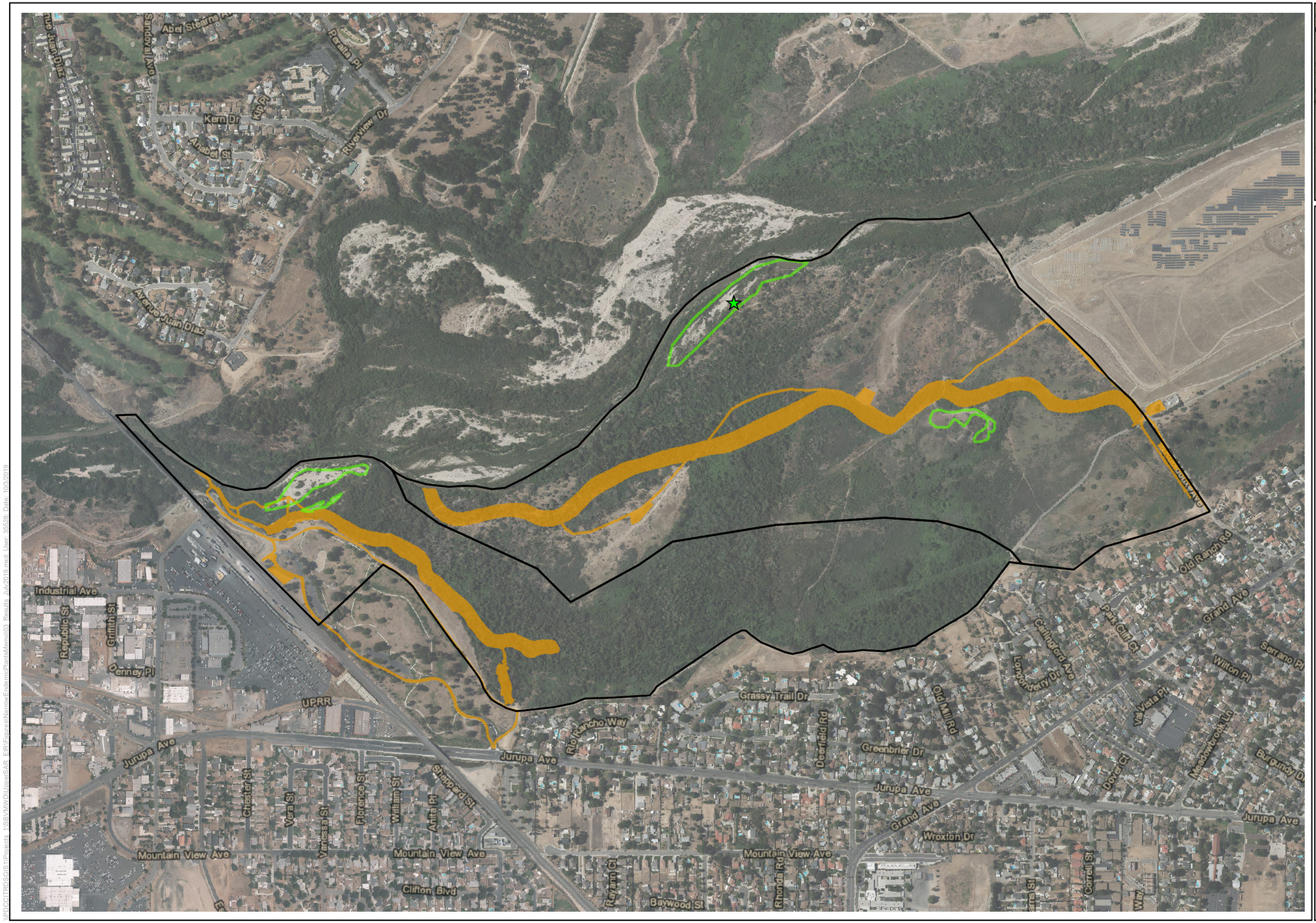
Suitable Habitat

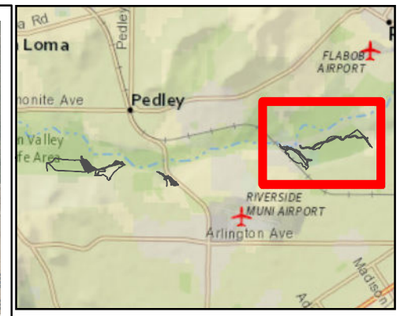
- San Diego Ambrosia

Source: ICF; ESRI 2019

0 100 200 Feet
1:2,400

Figure 3 Sheet 2
Narrow Endemic Plant Species Survey Area HA and Focused Survey Results Upper Santa Ana River Tributaries Restoration Project





Legend

- Study Areas
- Tributary Project Area
- Santa Ana Woolly Star

Suitable Habitat

- Brand's phacelia

Source: ICF; ESRI 2019

0 375 750 Feet
1:9,000

N

Figure 3 Sheet 3
Narrow Endemic Plant Species Survey Area HA and Focused Survey Results Upper Santa Ana River Tributaries Restoration Project

Attachment B
Plant Species Observed

Attachment B: Plant Species Observed

Scientific Name	Common Name	Special Status
MAGNOLIIDS		
Saururaceae - Lizard's-tail family		
Anemopsis californica	Yerba mansa	
EUDICOTS		
Adoxaceae - Muskroot family		
Sambucus nigra ssp. caerulea	Blue elderberry	
Anacardiaceae - Sumac Or Cashew family		
* *Schinus molle*	Peruvian pepper tree	
Apiaceae - Carrot family		
* *Conium maculatum*	Poison hemlock	
* *Foeniculum vulgare*	Fennel	
Asteraceae - Sunflower family		
Ambrosia psilostachya	Western ragweed	
Artemisia californica	California sagebrush	
Artemisia dracunculus	Tarragon sagebrush	
Baccharis pilularis ssp. pilularis	Coyote brush	
Baccharis salicifolia ssp. salicifolia	Mule fat	
* *Bidens pilosa*	Common beggar-ticks	
* *Carduus pycnocephalus ssp. pycnocephalus*	Italian thistle	
* *Centaurea melitensis*	Tocalote	
* *Cynara cardunculus ssp. flavescens*	Yellowish artichoke	
Deinandra fasciculata	Fascicled tarplant	
Ericameria palmeri var. pachylepis	Thickbracted goldenbush	
Erigeron canadensis	Horseweed	
Gutierrezia californica	California matchweed	
Helianthus annuus	Annual sunflower	
Heterotheca grandiflora	Telegraph weed	
Isocoma menziesii	Coastal goldenbush	
* *Lactuca serriola*	Prickly lettuce	
Pluchea sericea	Arrow-weed	
* *Silybum marianum*	Blessed milkthistle	
* *Sonchus asper ssp. asper*	Prickly sow thistle	
Stephanomeria sp.	Wire-lettuce	

Scientific Name	Common Name	Special Status
Xanthium strumarium	Cocklebur	
Boraginaceae - Borage family		
Cryptantha sp.	Cryptantha	
Phacelia cicutaria	Caterpillar phacelia	
Brassicaceae - Mustard family		
* *Brassica nigra*	Black mustard	
* *Hirschfeldia incana*	Shortpod mustard	
Nasturtium officinale	Medicinal water cress	
* *Sisymbrium irio*	London rocket	
Chenopodiaceae - Goosefoot family		
Atriplex canescens	Four-wing saltbush	
* *Atriplex semibaccata*	Australian saltbush	
* *Salsola tragus*	Prickly russian thistle	
Cucurbitaceae - Gourd family		
Cucurbita palmata	Coyote melon	
Euphorbiaceae - Spurge family		
Croton californicus	California croton	
Croton setigerus	Doveweed	
Euphorbia polycarpa	Many seed spurge	
* *Ricinus communis*	Castorbean	
Fabaceae - Legume family		
Acmispon glaber	Deerweed	
* *Parkinsonia aculeata*	Mexican palo verde	
Grossulariaceae - Gooseberry family		
Ribes sp.	Currant	
Lamiaceae - Mint family		
* *Marrubium vulgare*	Horehound	
Myrtaceae - Myrtle family		
* *Eucalyptus sp.*	Gum	
Oleaceae - Olive family		
Fraxinus sp.	Ash	
* *Olea europaea*	Olive	
Platanaceae - Plane Tree, Sycamore family		
Platanus racemosa	Western sycamore	
Polemoniaceae - Phlox family		
Eriastrum densifolium ssp. sanctorum	Santa Ana River woollystar	FE, SE, CRPR 1B.1

Scientific Name	Common Name	Special Status
Polygonaceae - Buckwheat family		
Chorizanthe fimbriata	Fringed spineflower	
Eriogonum fasciculatum	California buckwheat	
* *Rumex crispus*	Curly dock	
Rosaceae - Rose family		
Rubus ursinus	California blackberry	
Salicaceae - Willow family		
Populus fremontii ssp. fremontii	Fremont cottonwood	
Salix exigua	Sand bar willow	
Salix gooddingii	Goodding's black willow	
Salix laevigata	Red willow	
Salix lasiolepis	Arroyo willow	
Simaroubaceae - Quassia Or Simarouba family		
* *Ailanthus altissima*	Tree of heaven	
Solanaceae - Nightshade family		
Datura wrightii	Wright's jimsonweed	
* *Nicotiana glauca*	Tree tobacco	
Tamaricaceae - Tamarisk family		
* *Tamarix ramosissima*	Hairy tamarix	
Vitaceae - Grape family		
Vitis girdiana	Desert wild grape	
MONOCOTS		
Arecaceae - Palm family		
* *Phoenix canariensis*	Canary Island palm	
* *Washingtonia robusta*	Mexican fan palm	
Poaceae - Grass family		
* *Arundo donax*	Giant reed	
* *Avena fatua*	Wild oat	
* *Bromus diandrus*	Ripgut brome	
* *Bromus madritensis ssp. rubens*	Red brome	
* *Bromus tectorum*	Cheat grass	
Distichlis spicata	Salt grass	
* *Festuca myuros*	Rattail fescue	
* *Hordeum murinum*	Wall barley	
* *Poa annua*	Annual blue grass	

Scientific Name	Common Name	Special Status
* *Polypogon monspeliensis*	Rabbit foot beard grass	
* *Schismus barbatus*	Mediterranean schismus	
* *Stipa miliacea var. miliacea*	Smilo grass	

Legend

*= Non-native or invasive species

Special Status:

Federal:
FE = Endangered
FT = Threatened

State:
SE = Endangered
ST =Threatened

CRPR – California Rare Plant Rank
1A. Presumed extinct in California and elsewhere
1B. Rare or Endangered in California and elsewhere
2A. Presumed extinct in California, more common elsewhere
2B. Rare or Endangered in California, more common elsewhere
3. Plants for which we need more information - Review list
4. Plants of limited distribution - Watch list

Threat Ranks
.1 - Seriously endangered in California
.2 – Fairly endangered in California
.3 – Not very endangered in California