



APPENDIX D: NOTICE OF PREPARATION AND INITIAL STUDY

SANTA ANA RIVER WATER RIGHT APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY DRAFT ENVIRONMENTAL IMPACT REPORT

October 2004



Appendix D contains the following materials: (1) Notice of Preparation (NOP) and Initial Study (IS); (2) Scoping Meeting Materials; and (3) Comments on the NOP

1. Notice of Preparation and Initial Study

A total of 192 copies of the NOP and attached IS were circulated in July, 2002. The first, and major, distribution took place on July 11 when 188 copies were shipped (185 by Federal Express and 3 by the United States Postal Service). A small number of additional copies were shipped at later dates: two on July 17, one on July 18, and one on July 31. Two deliveries out of the total were unsuccessful resulting in a return of the documents.

2. Scoping Meeting Materials

A Scoping Meeting was held on August 6, 2002 at 7:00 p.m. at the National Orange Show Grounds in the City of San Bernardino. Copies of the NOP and IS were available at the door, along with a sign-in sheet. Materials, mostly of a graphic nature, were on view at a number of tables spaced around the meeting room and staffed by a range of environmental specialists. Copies of these display materials and sign-in sheets are presented at the end of section 2.

3. Comments Received

Comments on the proposed project, received in the form of cards at the Scoping Meeting and letters in response to the circulated copies of the NOP, were received from the persons and organizations listed below. Copies are presented in section 3.

1. Center for Biological Diversity, Monica Bond (comment card received August 6, 2002).
2. County of Orange, Public Facilities and Resources Department, Flood Control Division, H.I. Nakasone, Manager (letter dated August 8, 2002).
3. Brunick, Battersby, McElhaney and Beckett, General Counsel to East Valley Water District (letter dated August 7, 2002).
4. United States Department of Agriculture, Forest Service, San Bernardino National Forest Supervisor's Office, Gene Zimmerman, Forest Supervisor (letter dated August 8, 2002).
5. City of Redlands, Office of the City Attorney, Daniel J. McHugh, City Attorney (letter dated August 9, 2002).
6. City of Riverside, Public Utilities, Thomas P. Evans, Director (letter dated August 9, 2002).
7. County of San Bernardino, Economic Development and Public Services Group, Department of Public Works, Environmental Management Division, Naresh P. Varma, Division Chief (letter dated July 31, 2002).
8. City of Fontana, Community Development Department, Planning Division, Debbie M. Brazill, Deputy Director (letter dated July 25, 2002).

9. South Coast Air Quality Management District, Planning, Rule Development and Area Sources, CEQA Section, Steve Smith, Program Supervisor (letter dated July 23, 2002).
10. Native American Heritage Commission, Rob Wood, Environmental Specialist (letter dated July 19, 2002).
11. City of Rialto, Donn Montag, Principal Planner (letter dated July 25, 2002).
12. State of California, Department of Water Resources, State Water Project Analysis Office, David M. Samson, Project Coordinator (letter dated August 8, 2002).
13. City of San Bernardino, Municipal Water Department, Bernard C. Kersey, General Manager (letter dated August 9, 2002).
14. San Bernardino Valley Water Conservation District, D. Burnell Cavender, General Manager (letter dated August 12, 2002).
15. California Department of Fish and Game, Eastern Sierra - Inland Deserts Region, Terry Foreman, Senior Biologist - Supervisor (letter dated August 12, 2002).
16. County of Orange, Planning and Development Services, Environmental Planning Services Division, Timothy Neely, Manager (Letter dated August 12, 2002).
17. Southern California Association of Governments, Intergovernmental Review, Jeffrey H. Smith, Senior Regional Planner (Letter dated August 13, 2002).
18. California Department of Toxic Substances Control, Haissam Y. Salloum, P.E., Unit Chief (letter dated August 21, 2002).
19. Felger & Associates, Counsel to the City of Redlands, Warren P. Felger, (letter dated September 6, 2002).
20. U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, Karen A. Evans, Assistant Field Supervisor (letter dated September 12, 2002).

1. Notice of Preparation (NOP) and Initial Study

NOTICE OF PREPARATION

To: All Concerned Parties

From: San Bernardino Valley Municipal Water District
Post Office Box 5906
San Bernardino, CA 92412-5906, and

Western Municipal Water District of Riverside County
Post Office Box 5286
Riverside, CA 92517-5286

Subject: Notice of Preparation of a Draft Environmental Impact Report

Co-Lead Agencies: San Bernardino Valley Municipal Water District and
Western Municipal Water District of Riverside County

The San Bernardino Valley Municipal Water District (Muni) and Western Municipal Water District of Riverside County (Western) have entered into an agreement to be Co-Lead Agencies for an Environmental Impact Report (EIR) to be prepared in accordance with the California Environmental Quality Act (CEQA). The proposed project involves the diversion, when available, by the project co-proponents of water from the Santa Ana River. Such diversions will be made possible by the construction of new water conveyance facilities, use of existing pipelines, and the coordinated use of underground storage basins and surface water storage facilities. The majority of the facilities necessary to put the water to beneficial use are located within the service areas of the project co-proponents.

Completion of the Seven Oaks Dam and Reservoir provides the opportunity for Muni and Western to increase the capture and beneficial use within their respective service areas of native water supplies that are derived from flows in the Santa Ana River. The feasibility exists to increase conservation of local sources of water supply from the Santa Ana River, improve the reliability of supplies by effective conjunctive use, reduce reliance on outside sources of water (e.g., Colorado River and State Water Project), and continue to meet legal and contractual obligations to other water agencies. Acquisition of this additional water supply will also aid in improving groundwater quality in the region. The proposed project has the following main components: (i) the direct diversion of water from the Santa Ana River, (ii) the storage of water in Seven Oaks Reservoir, (iii) the use of existing facilities (generally pipelines and surface water storage facilities but including the use of underground storage basins), and (iv) the construction of various conveyance facilities (generally pipelines) to move water from the Santa Ana River and Seven Oaks Reservoir to retail purveyors or to underground storage basins and surface storage facilities.

July 12, 2002

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Implementation of the action involves the construction of the following pipelines: (i) Plunge Pool Pipeline connecting the plunge pool of the Seven Oaks Dam to the Foothill Pipeline near Cone Camp Road, (ii) Low Flow Connector between the outlet works of the Seven Oaks Dam and the Greenspot Pipeline, and (iii) Morton Canyon Connector II connecting the Greenspot Pump Station and the Greenspot Pipeline.

Construction of the above-mentioned facilities will enhance the ability of the Co-Lead Agencies to store Santa Ana River water (or exchanged water) in numerous underground storage basins and surface facilities. Groundwater basins potentially available for recharge and extraction activities include, but are not limited to, the following: San Bernardino Basin Area basins; Rialto/Colton Basin; Riverside Basins; Yucaipa Basin; San Timoteo Basin; and Chino Basin. Upon completion of appropriate agreements with other agencies, the Co-Lead Agencies could gain access to a number of surface water reservoirs, including, but not limited to: Bear Valley Mentone Reservoir; Crafton Water Company Reservoir; Crafton Hills Reservoir; Yucaipa Lakes; Devil Canyon Powerplant Afterbays; Diamond Valley Reservoir; Lake Perris; Lake Skinner; and Lake Mathews.

The EIR will consider project-specific environmental impacts directly and indirectly attributable to project components. The project may have significant environmental impacts on the following resources: air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use/planning, population and housing, public services, recreation, transportation/traffic, and utilities and service systems. The attached Initial Study provides further detail on the types of impacts that may occur.

As required by Section 15082 of the CEQA Guidelines, the Co-Lead Agencies are submitting this Notice of Preparation (NOP) to responsible agencies, other key agencies, private organizations, and individuals. The draft EIR is scheduled for release in the Spring of 2003. Availability of the draft EIR for public review and comment will be announced and noticed in the local media.

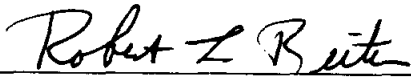
The Co-Lead Agencies are seeking the views of your agency or organization as to the scope and content of the environmental information that is germane to your statutory responsibilities or other interest in connection with the proposed project. Your agency or organization will need to use the EIR when, if applicable, considering any permit or other approval of the project which you may be required or authorized to issue. Comments should be provided on this NOP, including the attached Initial Study, in order to give the Co-Lead Agencies the opportunity to effectively consider your comments during preparation of the EIR.

A scoping meeting will be held August 6th, 2002 at 7:00 p.m. at the Renaissance Room, National Orange Show, San Bernardino, California. The meeting will provide an opportunity for agencies and the public to comment on the scope and content of the EIR. A map illustrating the location of the venue is attached at the end of the accompanying Initial Study.

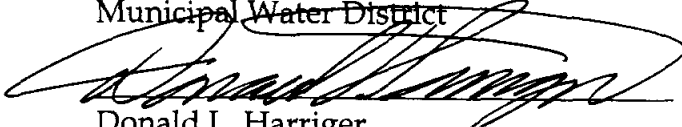
Due to the time limits mandated by state law, your response to this NOP must be received at the earliest possible date but **no later than 30 days** after receipt of this notice. Please respond to:

Santa Ana River Water Rights Applications EIR
c/o Science Applications International Corporation
Attention: Christopher Clayton
525 Anacapa Street
Santa Barbara, CA 93101-1603
Telephone: (805) 564-6135

7/10/02
Date


Robert L. Reiter
General Manager and Chief Engineer
San Bernardino Valley
Municipal Water District

7/10/02
Date


Donald L. Harriger
General Manager
Western Municipal Water District of
Riverside County

Attachment: Initial Study

**SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR
SUPPLEMENTAL WATER SUPPLY**

ENVIRONMENTAL CHECKLIST FORM

1. Project title: Santa Ana River Water Rights Applications for Supplemental Water Supply

2. Co-Lead Agency names and addresses: San Bernardino Valley Municipal Water District,
Post Office Box 5906, San Bernardino, CA 92412-5906

Western Municipal Water District of Riverside County,
Post Office Box 5286, Riverside, CA 92517-5286

3. Contact persons and phone numbers: San Bernardino Valley Municipal Water District:

Robert L. Reiter, General Manager and Chief Engineer.
Telephone: (909) 387-9222

Western Municipal Water District of Riverside County:

Don Harriger, General Manager.
Telephone: (909) 789-5000

4. Project location: Santa Ana River and Seven Oaks Dam, San Bernardino County, service areas of San Bernardino Valley Municipal Water District (Muni) and Western Municipal Water District of Riverside County (Western) in San Bernardino County and Riverside County, and the locations of other facilities.

5. Project Sponsor names and addresses: San Bernardino Valley Municipal Water District,
Post Office Box 5906, San Bernardino, CA 92412-5906

Western Municipal Water District of Riverside County,
Post Office Box 5286, Riverside, CA 92517-5286

6. General plan designation: Multiple and varied

7. Zoning: Multiple and varied

8. Description of project: The proposed project involves a number of actions required to enable Muni and Western to make beneficial use of water (up to a maximum annual diversion of 200,000 acre feet) to be appropriated from the Santa Ana River. Actions include the construction of three pipelines with lengths of approximately 15,000 feet, 3,500 feet, and 1,900 feet, respectively, in the vicinity of Seven Oaks Dam on the upper Santa Ana River. Other actions include, but are not limited to, groundwater recharge activities in several groundwater basins using existing facilities, and storage of water in existing surface storage facilities.

9. Surrounding land uses and setting: Activities associated with the proposed project will take place primarily within the Muni and Western service areas. These geographical areas contain a variety of land uses and settings. The majority of the area, however, is of a developed nature and undergoing urban development.
10. Other public agencies whose approval is or may be required: County of Orange, County of Riverside, County of San Bernardino, City of Highland, California State Water Resources Control Board (SWRCB), California Department of Fish and Game (CDFG), U.S. Army Corps of Engineers (USACOE), U.S. Department of the Interior Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), State Historic Preservation Office (SHPO), Santa Ana Regional Water Quality Control Board (RWQCB), and California Department of Water Resources (DWR).
11. Public Scoping Meeting: A public Scoping Meeting will be held on August 6th, 2002 at 7:00 p.m. at the Renaissance Room, National Orange Show, San Bernardino, California. The purpose of the meeting is to receive comments regarding the scope and content of the Environmental Impact Report. A map (Exhibit 3) illustrating the location of the venue is attached at the end of the accompanying Initial Study.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Co-Lead Agencies)

On the basis of this initial evaluation:

- We find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- We find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- We find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- We find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- We find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Robert L. Reiter

Signature

7/10/02

Date

Robert L. Reiter, General Manager and Chief Engineer

San Bernardino Valley Municipal Water District

Post Office Box 5906

San Bernardino, CA 92412-5906

Telephone: (909) 387-9222

Donald L. Harriger

Signature

7/10/02

Date

Donald L. Harriger, General Manager

Western Municipal Water District of Riverside County

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Riverside, CA 92517-5286

Telephone: (909) 789-5000

SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1.0 PROJECT DESCRIPTION

The San Bernardino Valley Municipal Water District (Muni) and Western Municipal Water District of Riverside County (Western) seek to appropriate water from the Santa Ana River. As the State Water Resources Control Board recognized in Order WR 2000-12, water has become available for appropriation from the Santa Ana River as a result of the construction and operation of Seven Oaks Dam and for other reasons. The dam, built by the U.S. Army Corps of Engineers (USACOE) as part of the Santa Ana River Mainstem Flood Control Project, was completed in December 1999.

In Order WR 2000-12, the State Board modified the Declaration of Fully Appropriated Streams in relation to the Santa Ana River based on evidence presented by Muni/Western and Orange County Water District. The original petition by Muni and Western to modify the Declaration was accompanied, in 1991, by an application to appropriate 100,000 acre-feet per year (afy) ("the Original Application"). That application was updated in 1995 after the State Board adopted regulations for the modification of the Declaration. The 100,000 afy for which Muni and Western applied in the Original Application was based on the hydrologic analysis available at that time. However, hydrologic analyses presented at the December 1999 State Board Hearing indicated that there is probably substantially more than 100,000 afy of un-appropriated water available for appropriation from the Santa Ana River in certain years. Because the Notice of Hearing on Muni/Western's Original Petition specified the amount for which Muni/Western had applied, the State Board determined in WR Order 2000-12 that Muni/Western must submit a second petition and application to appropriate in excess of 100,000 acre-feet (af) of water in any given year.

The application filed May, 2001 ("Second Application") complies with the State Board's directive and requests that the State Board approve: (i) the direct diversion of up to 100,000 afy in excess of the quantity requested in the Original Application and (ii) the diversion to storage of up to 100,000 afy in excess of the quantity requested in the Original Application, for a total diversion of up to 200,000 afy.

As with the Original Application, the water Muni/Western seeks to appropriate in the Second Application will be conserved by storage in the reservoir at Seven Oaks Dam and/or be captured by direct diversion to use and by diversion to underground and surface storage for subsequent extraction and use. Water diverted under both applications will be integrated with other sources of groundwater and surface water supplies to provide maximum operational flexibility and reliability. Groundwater basins potentially available for recharge and extraction activities include, but are not limited to, the following: San Bernardino Basin Area basins; Rialto/Colton Basin; Riverside Basins; Yucaipa Basin; San Timoteo Basin; and Chino Basin. Upon completion of appropriate agreements, a number of surface water reservoirs would be available for use. They include, but are not limited, to Bear Valley Mentone Reservoir, Crafton Water Company Reservoir, Crafton Hills Reservoir, Yucaipa Lakes, Devil Canyon Powerplant

Afterbays, Diamond Valley Reservoir, Lake Perris, Lake Skinner, and Lake Mathews. Muni and Western will use water appropriated under both applications for municipal, industrial, irrigation, heat control, frost protection, underground storage, and recreation purposes within their respective service areas. See Exhibit 1.

Muni/Western's plans for beneficial use of water appropriated under the Original and Second Applications will require the construction of certain pipelines and/or connectors, specifically the Plunge Pool Pipeline, Low Flow Connector Pipeline, and Morton Canyon Connector II Pipeline. Each is identified on Exhibit 2 and described separately below.

Plunge Pool Pipeline: Construction of the Plunge Pool Pipeline (a 15-foot diameter, approximately 15,000 feet long, 1,500 cubic feet per second [cfs] capacity pipeline) will connect the plunge pool of Seven Oaks Dam to both the 6.5-foot diameter Foothill Pipeline and the 12-foot diameter Inland Feeder of The Metropolitan Water District of Southern California (MWD) near Cone Camp Road. This will enable Muni/Western to transfer water from the Seven Oaks Dam and/or Santa Ana River for storage in the reservoirs owned and operated by MWD in exchange for State Water Project (SWP) water supplies.

Low Flow Connector: Construction of a Low Flow Connector (a four-foot diameter, approximately 3,500 feet long, 100 cfs capacity pipeline) will connect the outlet works of Seven Oaks Dam to the Greenspot Pipeline. The Low Flow Connector will minimize pumping at the Greenspot Pump Station by preserving the surface elevation of the water stored behind Seven Oaks Dam. Also the Low Flow Connector will provide water to the afterbay of the reconstructed Santa Ana Powerhouse 3 (demolished to accommodate construction and operation of the Seven Oaks Dam) to allow for the continued delivery of water to qualified users such as Bear Valley Mutual Water Company.

Morton Canyon Connector II: The existing Morton Canyon Connector I connects to the Foothill Pipeline via the Greenspot Pump Station and the Santa Ana River Crossing Pipeline (SARC). This allows Muni to achieve two important operational goals: (1) SWP water can be delivered to the eastern-most portion of the Muni service area; and (2) Santa Ana River water can be delivered to the western portion of the Muni service area by running the pipelines in reverse, i.e., Morton Canyon Connector I to SARC, to Foothill Pipeline.

The Morton Canyon Connector II (a 4-foot diameter, approximately 1,900 feet long, 100 cfs capacity pipeline) will be constructed near the southern edge of the Santa Ana River wash east of Greenspot Road. It will connect the Greenspot Pump Station and the Greenspot Pipeline in the same alignment as the Morton Canyon Connector I. The new pipeline will enable Muni to accomplish two tasks. First, it will allow the transport of water acquired at Seven Oaks Dam to the Mill Creek and/or Yucaipa Basin spreading grounds to the east. Water would be conveyed from the Low Flow Outlet at Seven Oaks Dam using the following sequence of facilities: Low Flow Connector Pipeline to Greenspot Pipeline to Morton Canyon Connector II to Greenspot Pump Station to Morton Canyon Connector I to the Greenspot Pipeline. Second, it will allow San Geronio Pass Water Agency to continue to have access to SWP water through the use of Muni facilities. San Geronio Pass Water Agency has the right to 16 cfs of capacity in the Greenspot, Morton Canyon Connector I and SARC pipelines, acquired in return for contribution to the costs of these facilities.

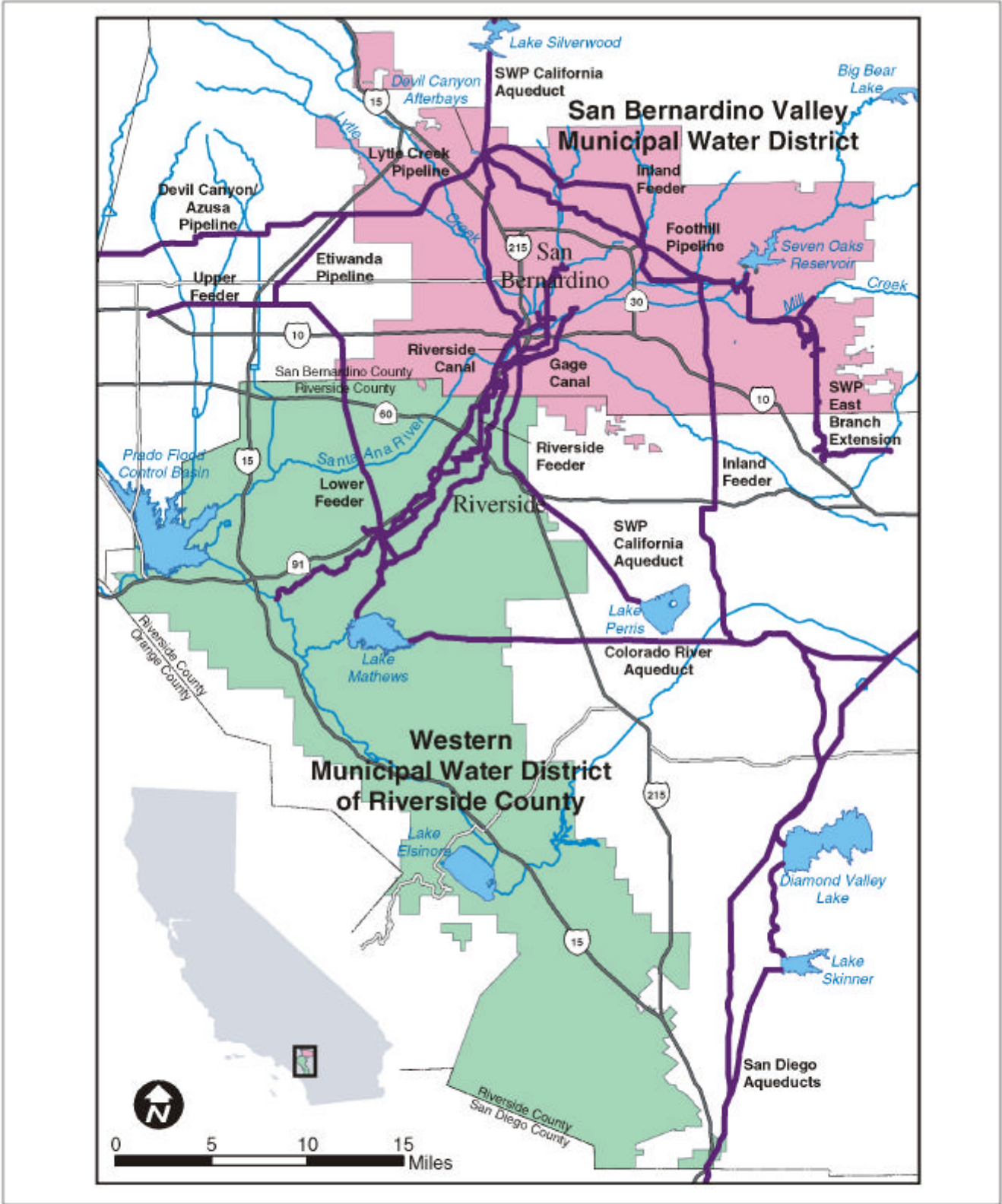


Exhibit 1. Muni and Western Service Areas and Existing Regional Water Conveyance Facilities and Reservoirs

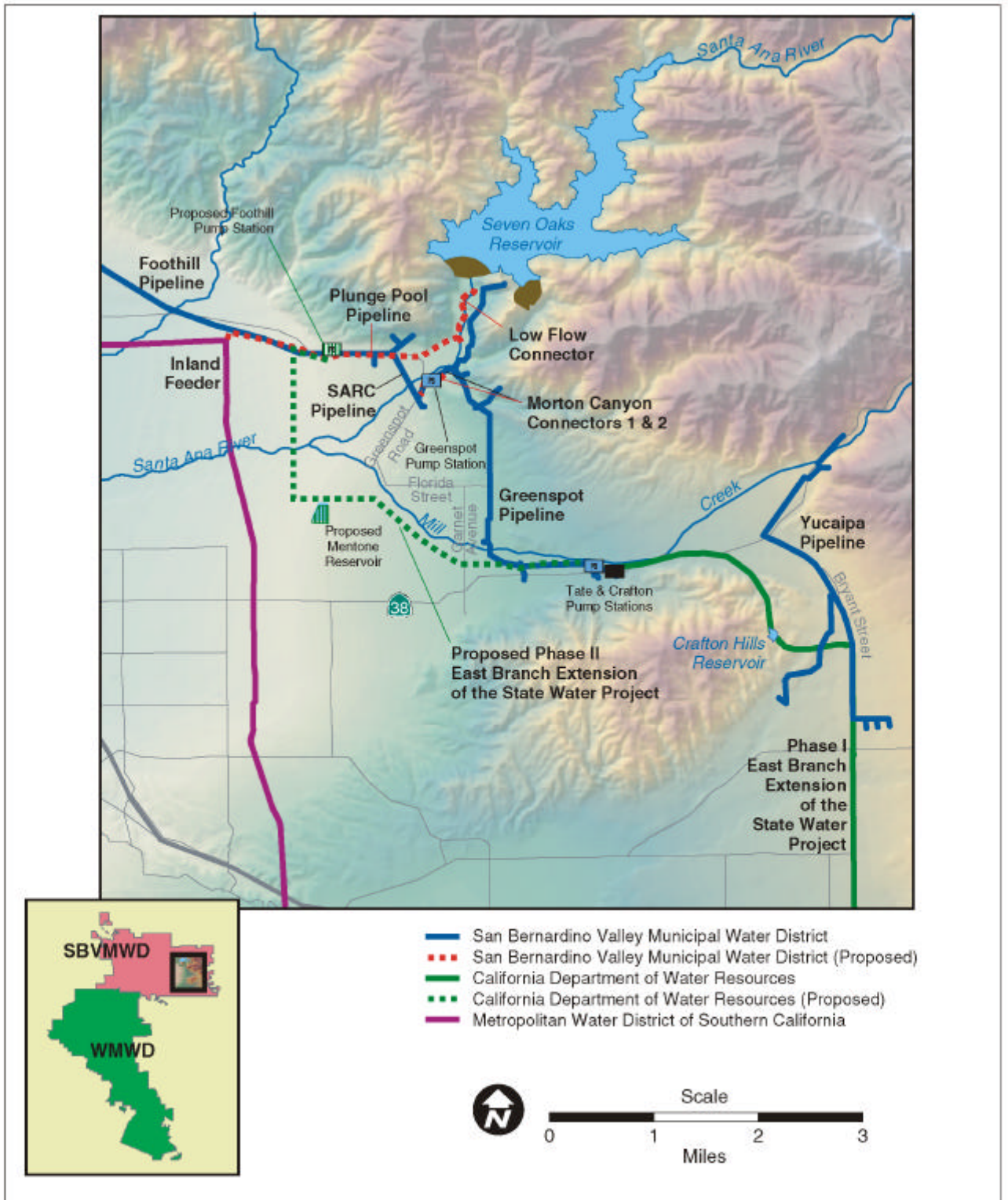


Exhibit 2. Proposed Project Pipelines

2.0 PROJECT LOCATION

The project location comprises a section of the valley of the Santa Ana River downstream from the Seven Oaks Dam to the City of Highland, the Seven Oaks Reservoir and Dam, and the service areas of Muni and Western.

Under the proposed project, water captured at Seven Oaks Dam will be put to beneficial use in the Muni and Western service areas. This will be accomplished by direct use and by water storage/exchange actions. While existing pipelines will be used to the extent feasible, three new pipelines are needed: the Plunge Pool Pipeline, the Low Flow Connector Pipeline, and the Morton Canyon Connector II. The Plunge Pool Pipeline will originate in the southeast quadrant of the plunge pool and travel along the southern bank of the Santa Ana River, cross under the river, and then parallel the northern riverbank until reaching the connection to the Foothill Pipeline and Inland Feeder near Cone Camp Road. Construction of an inlet structure to the Plunge Pool Pipeline on the southeast side of the Plunge Pool will be required. The Low Flow Connector Pipeline will connect the Low Flow Outlet at the base of Seven Oaks Dam to the existing Greenspot Pipeline. Along its entire length of about 3,500 feet, the Low Flow Connector Pipeline will traverse the southern bank of the Santa Ana River utilizing an existing road providing access to Seven Oaks Dam. Finally, the Morton Canyon Connector II Pipeline will be constructed near the southern edge of the Santa Ana River wash east of Greenspot Road to connect the Greenspot Pipeline to the Greenspot Pump Station.

Seven Oaks Dam was completed in December 1999 by the USACOE. The dam is authorized to capture storm waters to attenuate peak flows until the flood threat has passed at Prado Dam downstream, and then release stored water. The dam is designed to provide control for up to a 350-year flood (i.e., a flood so large that the chance of it occurring is 1 in 350 in any given year). It also is designed to hold in its reservoir up to 145,600 af. Of this amount, approximately 32,000 af are reserved for sediment storage and 113,600 af are devoted to flood water impoundment. The reservoir, under flood conditions, could have a surface area as large as 780 acres. The dam and reservoir are managed by the flood control districts of Orange, Riverside, and San Bernardino counties.

Muni's service area covers about 325 square miles in southwestern San Bernardino County, about 60 miles east of Los Angeles, and has a population of about 600,000. It spans the eastern two-thirds of the San Bernardino Valley, the Crafton Hills, and a portion of the Yucaipa Valley. Included within the service area are the incorporated cities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Highland, Grand Terrace, and Yucaipa and the unincorporated communities of Mentone and Bloomington. Retail water service is provided to residents of the Muni service area by 14 major water purveyors: City of Colton, East Valley Water District, Fontana Water Company, City of Loma Linda, Marygold Mutual Water Company, Muscoy Mutual Water Company, City of Redlands, City of Rialto, Riverside-Highland Water Company, City of San Bernardino, Terrace Water Company, West San Bernardino County Water District, Western Heights Water Company, and Yucaipa Valley Water District.

Western provides service within a 510 square mile district of western Riverside County. Western serves more than 12,000 retail and ten wholesale customers. As a member agency of MWD, Western provides supplemental water to the cities of Corona, Norco, and Riverside and the water agencies serving Elsinore Valley and Rancho California. Western also serves customers in the unincorporated areas of El Sobrante, Eagle Valley, Temescal Creek, Woodcrest, Lake Mathews, and March Air Reserve Base.

3.0 ENVIRONMENTAL SETTING

The Seven Oaks Dam and Reservoir are located on the Santa Ana River where the canyon section transitions to the broad alluvial fan at the base of the San Bernardino Mountains. This section of the valley extends about a mile south from the dam where the river exits the Santa Ana Canyon. The steep-walled river canyon is surrounded by rugged foothills which extend along the southern flank of the San Bernardino Mountains. The proposed pipelines will be located mostly within the confines of, or immediately adjacent to, the river valley downstream of the dam. Much of the land is publicly owned (United States Forest Service) and maintained in a natural state. South of the Santa Ana River below the dam, human occupancy rapidly predominates. There are numerous cities including Highland, Rialto, Colton, San Bernardino, Loma Linda, Redlands, Yucaipa, Riverside, Norco, and Corona within the Muni and Western service areas. The service areas of the two water districts are contained within the counties of San Bernardino and Riverside. Major highways in the service areas include Interstate 10, Interstate 15, Interstate 215, State Highway 60, and State Highway 91.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following pages address the potential environmental consequences of the proposed project.

IMPACT DISCUSSION

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Aesthetics

The proposed pipelines would be installed underground and pre-existing surface conditions would be restored upon completion of construction activities. While temporary changes in the project area may occur during construction, pipeline improvements will not result in permanent changes in the visible, physical environment.

New infrastructure and construction for the proposed project will occur in areas already largely disturbed by activities such as dam construction, road building, gravel mining, and borrow pit excavation. During construction, heavy equipment and construction activities will be visible from Greenspot Road. However, after construction, all but minor appurtenances will be placed underground. At the plunge pool of the dam the intake structure and trash rack of the Plunge Pool Pipeline will be visible, but this area is not visible from any public areas, and is already generally degraded by the presence of existing water pipelines and outlet works.

<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Agricultural Resources Impacts

The exact alignment of the proposed pipelines has not been determined at this time. It is anticipated that the Plunge Pool Pipeline will be installed in or immediately adjacent to Greenspot Road. It is possible, however, that a section of this pipeline may be located within a citrus orchard area. This will involve the temporary disturbance of agricultural activities along the alignment during the period of construction.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Air Quality Impacts

Construction impacts from project implementation would be short-term and would not obstruct the long-term planning goals of the applicable air quality plan. Construction would require the use of heavy equipment that would produce combustive and fugitive dust emissions. The South Coast Air Quality Management District (SCAQMD) regulates stationary sources of air emissions in the project region and develops emission thresholds to determine the significance of air quality impacts for the purpose of CEQA review. Construction activities associated with the project could be of large enough magnitude that their emissions could potentially, in the short term, exceed at least one of the SCAQMD significance thresholds. Fugitive dust emissions from these activities could exceed the 24-hour state or national PM₁₀ standard on a localized basis. However, effective use of standard dust control measures could ensure that the impact of fugitive dust remains insignificant during construction activities. Operation of the project would not exceed any SCAQMD emission threshold.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
IV. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Biological Resources Impacts

Vegetation and Plant Species

No sensitive plant species were identified by the California Natural Diversity Database (CNDDDB) within the proposed project area, which includes the Santa Ana River as well as floodplain habitats located north of the existing spreading ground and adjacent to Greenspot Road. However, habitat is present in the river floodplain for the Santa Ana River woolly star (*Eriastrum densifolium* ssp. *sanctorum*, Federal Endangered status [FE]) and slender-horned

spineflower (*Dodecahema* = *Centrostegia*, = *Chorizanthe leptocerus*, FE). A Santa Ana River woolly star preserve has been established downstream of the Morton Canyon Connector I, west of Greenspot Road bridge that crosses the Santa Ana River. A survey of the potential pipeline corridor conducted in June, 2001, did not locate plants of either species within the corridor, much of which has been altered by cultivation (orange grove) and as a result of other human activities (for example, Greenspot Road, its shoulders, associated fences and flood water conveyances, and the construction corridor for a previously installed pipeline).

Wildlife

The San Bernardino kangaroo rat (*Dipodomys merriami parvus*, FE, California Species of Concern [CSC]) is reported in the Seven Oaks Dam Biological Assessment as being present in the Santa Ana River alluvial fan within the project area.

Stephen's kangaroo rat (*Dipodomys stephensi*, FE, State Threatened [ST]) was recorded just outside of the project area located 0.5 to 1 mile west of the project site, directly north-northeast of the junction between El Sobrante Road and Sierra Avenue. It is presumed to be present within the Lake Mathews quad area. Stephen's kangaroo rat was last recorded within the Riverside West quad area in 1990 in a large non-specific bounded area directly east of the project site, 0.2 miles southwest of Mockingbird Canyon Reservoir, south of the Riverside Freeway. It is presumed to be present within the Riverside West quad area.

Both the Least Bell's vireo (*Vireo bellii pusillus*, FE, State Endangered [SE]) and the Southwestern willow flycatcher (*Empidonax traillii eximius*, FE, SE) are present downstream of the project area.

The coastal California gnatcatcher (*Polioptila californica*, FT, CSC) was last recorded in 1999 within 0.2 miles east of McAllister Street, 0.1 mile west of The Metropolitan Water District of Southern California's Upper Feeder, and 1.2 miles southwest of Mockingbird Canyon Reservoir. It is presumed to be within the project vicinity.

The Seven Oaks Dam Water Conservation Feasibility Study EIS/EIR indicated the possible presence of several special status fish species in and near the Seven Oaks Dam site. In this study, the Arroyo chub (*Gila orcutti*, Federal Species of Concern [FSC], CSC) and Santa Ana speckled dace (*Rhinichthys osculus*, FSC, CSC) were reported to have a "High" potential for occurrence at the Seven Oaks Dam site.

The Feasibility Study also identified the possible presence of three special status amphibian species; western spadefoot toad (*Scaphiopus hammondii* FSC, CSC), California red-legged frog (*Rana aurora draytonii* FT, CSC), and Southwestern arroyo toad (*Bufo microscaphus californicus*, FE, CSC). These species have low to marginal habitat present in the general project vicinity.

Southern Willow Scrub riparian vegetation occurs approximately 0.25 miles east of the project site on the Lake Mathews quad. Both restored/recovering and established riparian habitat is present within the project area in the vicinity of the plunge pool below the dam, along the river to the SCE power station and in the vicinity of Morton Canyon adjacent to the alignment of the proposed Morton Canyon Connector II.

The pipeline could also be constructed through an existing stand of Riversidean coastal sage scrub on the upper portions of the alluvial fan created by the Santa Ana River. This is regarded as a sensitive community type by the California Department of Fish and Game. Soils are very

patchy, reflecting meandering channels during flood runoff events. They are rocky throughout with rounded, river deposited rocks ranging from cobbles to small boulders being prevalent, with patchy surface deposits of finer materials, especially sand and silt. Species dominance is also patchy, reflecting the young, patchy soils and also the time since disturbance (by flooding, fire, and previous pipeline installation). The predominant vegetation is characterized by low native shrubs including brittlebush (*Encelia farinosa*), California buckwheat (*Eriogonum fasciculatum*), deerweed (*Lotus scoparius*), cudweed-aster (*Lessingia filaginifolia*), sweetbush (*Bebbia juncea*), California sagebrush (*Artemisia californica*), and goldenbush (*Ericameria* sp.). Areas less recently disturbed include additional native shrub species including chamise (*Adenostoma fasciculatum*), sugar bush (*Rhus ovata*), snake cholla (*Opuntia parryi*), Lord's candle (*Yucca whipplei*), and yerba santa (*Eriodictyon* sp.) in addition to the above-mentioned species. Areas disturbed by previous pipeline installation are in an earlier successional stage and are marked by a prevalence of brittlebush (*Encelia farinosa*). Between the shrubs in areas with developed soil, weedy European grasses are prevalent, however some patches have few or no weeds and a prevalence of native annual wildflowers such as yellow pincushion (*Chaenactis glabriuscula*). This diverse coastal scrub vegetation is regarded as a sensitive plant community by CDFG because of its limited distribution, typically on upper alluvial fans along the southern base of the San Gabriel and San Bernardino mountains.

The Santa Ana River and its tributaries are protected water bodies under Section 404 of the Clean Water Act. Much of the reach that would potentially be affected by construction of the proposed Plunge Pool Pipeline, Low Flow Connector Pipeline, and Morton Canyon Connector II is considered "other waters." Some areas within the existing channel, beginning below the dam near the plunge pool, also meet the definition of "wetlands" (33 CFR 328), and so are protected by the Federal Clean Water Act and the California Fish and Game Code. Excavation and backfilling, as well as water diversion associated with installation of the proposed pipelines would likely result in impacts to other waters and wetlands within the Santa Ana River and require Federal and State permits.

There is a potential for the proposed project to be inconsistent with current U. S. Fish and Wildlife Service critical habitat designations and/or recovery plans for California gnatcatcher, San Bernardino kangaroo rat, and Steven's kangaroo rat.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cultural Resources Impacts

Project implementation will involve grading, excavation, trenching, temporary stockpiling, and construction activities. These activities could potentially disturb cultural resources (prehistoric or historic archaeological resources and historic resources) and paleontological resources located within the project area. The potential exists for significant adverse impacts to these resources. The location of known cultural and paleontological resources will be examined during further environmental review of the project and, if necessary, appropriate mitigation measures will be determined at that time. Project-related activities could also potentially disturb interments of human remains located within the project area. If any ground disturbance impacted human remains, then it could be considered a significant adverse impact.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Geology and Soils Impacts

The California Division of Mines and Geology has designated the San Jacinto and San Andreas fault systems as Earthquake Fault Zones under the 1972 Alquist-Priolo Earthquake Fault Zoning Act. The proposed pipelines may traverse the south branch of the San Andreas fault and be subject to severe ground-shaking in major seismic events. They may also traverse areas of high liquefaction potential around the Santa Ana River. None of the proposed pipelines are expected to be located in areas with known potential for landslides. Geotechnical studies will be conducted as a standard component of engineering and design for the proposed facilities. They will provide for incorporation of site layout and facility design parameters to adequately

address these potential conditions in accordance with appropriate construction criteria and professional engineering practice.

Project implementation will involve grading, excavation, trenching, temporary stockpiling, and construction work. These activities could potentially result in erosion of exposed soils and resultant sedimentation of the Santa Ana River. Erosion control measures sufficient to offset such potential impacts will be incorporated into the project as proposed.

None of the proposed facilities would require wastewater disposal, the efficacy of which could be influenced by underlying soil types.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
VII. HAZARDS AND HAZARDOUS MATERIALS				
– Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Hazards and Hazardous Materials Impacts

Project activities will not involve use or storage of hazardous substances in quantities that present the potential for explosion or significant releases. However, accidental spills from construction equipment, such as during refueling and maintenance activities, could result in contamination of the Santa Ana River and its tributaries.

Hazardous waste sites compiled pursuant to Government Code Section 65962.5 may be present along the alignments of the proposed pipelines. Contaminated soil and/or groundwater encountered during construction could impair worker safety and require offsite disposal of excavated materials at a facility permitted for disposal of such waste.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VIII. HYDROLOGY AND WATER QUALITY

– Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Hydrology and Water Quality Impacts

One of the main goals of the proposed project is to capture additional native surface water for direct use or storage for subsequent use and/or exchange. The quality of the captured water will be better than that currently available from either the State Water Project or Colorado River. Water will be diverted at the plunge pool of the Seven Oaks Dam and conveyed by new pipelines to connections with existing water distribution facilities. Sections of the new pipelines will be located within the streambed of the Santa Ana River but, since they will be underground, their presence would not significantly influence stream flow characteristics or

surface runoff. The new pipelines could be located within the 100-year flood hazard area but are unlikely to be adversely affected by flood flows or, alternative, affect flood flows. Water made available from the Santa Ana River would also help offset the current overdrafting of San Bernardino Basin Area water resources.

Diversions from the Santa Ana River would be made in such a manner as not to have a significant effect on the design level of flood protection provided by existing facilities. Such diversions would be made subject to current USACOE operational criteria or any future revisions to these criteria. Water quality could be affected both positively and negatively. For instance, water leaving Seven Oaks Reservoir after detention would have a lower level of total suspended solids (TSS) than the water entering the reservoir. On the other hand, reductions in stream flows have the potential, under certain conditions, to reduce water quality.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
IX. LAND USE AND PLANNING				
– Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Land Use and Planning Impacts

The majority of infrastructure to be developed under the proposed project would be constructed underground and would not divide an established community. Of the few sections of infrastructure to be built above grade most would be pumps and valves associated with pipelines, too small to divide a community. No impact related to division of an established community is anticipated.

The San Bernardino County Development Code [Section 84.0410] regulations recognize public utilities, including the components of water distribution systems, as allowable under any official land use district, subject to review and/or conditional use permits (County of San Bernardino Development Code, Title 8, March 1999). However, the location and construction of facilities for the production, storage and transmission of water are not subject to county or city zoning ordinances per Chapter 1, Article 5, Section 53091 of the California Government Code. Neither Muni nor Western would be obligated to seek local land use approval for the location and construction of the proposed facilities.

The majority of the Seven Oaks reservoir inundation area would occur on lands owned by the USFS and for which the USACOE has obtained a permanent easement for flood control operations. A portion of the proposed reservoir area would overlie lands controlled by San Bernardino, Riverside, and Orange county flood control districts that are designated for flood control use. Operation of a seasonal reservoir would extend, by possibly several months, the length of time water is stored relative to flood control operations. Studies conducted by the USACOE determined that the addition of a seasonal water conservation function to the reservoir would not adversely impact the flood control purpose of the Seven Oaks Flood Control Dam and Reservoir. No conflict, and thus no impact, related to applicable land use plans, policies or regulations, is anticipated.

As mitigation for the construction of Seven Oaks Dam, the USACOE set aside land to be used as a Santa Ana River Woolly Star Preserve. The preserve is outside of areas where pipelines and other appurtenances of the proposed project would be constructed. Thus the proposed project is not expected to conflict with the preserve.

As part of its Final Biological Assessment of Seven Oaks Dam (August 2000), the USACOE determined that operation of the dam could adversely affect not only Santa Ana River woolly star, but also slender-horned spinyflower, and San Bernardino kangaroo rat. The USACOE proposes to mitigate these impacts by expanding the Woolly Star Preserve Area to include conservation of these other two species. A final management plan would serve as a Multiple Species Habitat Conservation Plan (MSHCP). Because this MSHCP is still at the proposal stage, it is uncertain what conservation measures it may include. However, because it is known that the MSHCP will overlap with the Woolly Star Preserve area, the proposed project is not expected to conflict with the proposed MSHCP.

Another proposed MSHCP is planned for Western Riverside County (Riverside County 2001). Riverside County proposes to conserve up to 164 species within a reserve system of approximately 510,000 acres (Riverside County 2001). The service area of Western may overlap a portion of the MSHCP area. The potential for conflicts with the proposed MSHCP are unknown at this time.

Some construction activities associated with the proposed project could occur in lands designated as Areas of Critical Environmental Concern (ACEC). This designation applies to lands managed by the Bureau of Land Management (BLM). Objectives of the ACEC designation are to protect, preserve, maintain, and enhance (a) cultural resources, (b) critical wildlife habitat, (c) rare or unusual plant assemblages, outstanding natural features, and geologic and paleontological resources. Construction and other activities are allowed in an ACEC area so long as the activities do not interfere with these objectives. Depending on the construction corridor and construction schedule, the proposed project could adversely affect values of the ACEC.

Construction of the proposed project will occur in an area currently designated as a Significant Natural Area (SNA) per the California Fish and Game Code (Section 1930 to 1933). The criteria for defining a SNA are changing and the project area may or may not be considered a SNA in the future (personal communication Diana Hickson, California Department of Fish and Game 2002). However, this designation is for educational purposes only and does not limit potential land uses. Thus the proposed project would not conflict with the Significant Natural Area designation and no impact would occur (CDFG 2002).

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mineral Resources Impacts

Natural sand and gravel deposits suitable for construction aggregate are found in Cajon Wash, Lytle Creek, Warm Creek, City Creek, Mill Creek, and the Santa Ana River within the project area. The Cities of San Bernardino and Redlands have included the sand and gravel deposits found in the project area as Regionally Significant Construction Aggregate Resource Areas within their general plans. Due to the uncertainty surrounding the pipeline alignment, it is unclear whether the areas of mineral resources would be traversed. However, pipeline installation below grade would not appreciably reduce existing resources or substantially interfere with future extraction.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XI. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Noise Impacts

There would be an increase in ambient noise levels during the construction phase of the proposed project. Recent residential construction activity has taken place just north of Greenspot Road. Noise-generating activities, however, would be confined to standard working hours and equipment would have sound-muffling devices that would further reduce potential noise levels. Public or private airfields within the general vicinity include the Rialto Municipal/Miro Field Airport, San Bernardino International Airport, and Redlands Municipal Airport.

XII. POPULATION AND HOUSING

– Would the project:

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Population and Housing Impacts

The proposed acquisition of water rights by Muni and Western would allow for the appropriation of up to 200,000 af in any year, when available, from the Santa Ana River, and the proposed operation of the Seven Oaks Reservoir for storage as well as for flood control. These actions would facilitate the coordinated operations of groundwater basins, existing storage reservoirs, and existing SWP water supplies to meet projected demands in accordance with approved regional growth management plans.

Based on current regional population projections, it is anticipated that existing water supplies available to both Muni and Western will not be adequate to meet the increase in demand associated with additional population. The supplemental water source considered here will enable the districts to accommodate a portion of this anticipated growth.

The proposed construction involves the installation of three pipelines, the alignments of which are located primarily in undeveloped areas within the San Bernardino National Forest in the vicinity of the Santa Ana River. No residents or housing units would be displaced by the project.

	<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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XIII. PUBLIC SERVICES – Would the project:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.

Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Services Impacts

Increased demand for public services is intimately tied to increases in population. To the degree that implementation of the proposed project has the potential to accommodate additional population in the region, impacts to public services can be expected. Construction and operation of the proposed facilities would not, in and of itself, require additional facilities and/or personnel in order for public services to maintain acceptable service levels. During construction of the proposed facilities, temporary disruption to police and fire protection service to a small area could occur.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XIV. RECREATION – Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Recreation Impacts

Increased demand for recreational services and facilities is tied to increases in population. Implementation of the proposed project may induce growth and, thus, impacts to recreational resources may be expected. Construction and operation of the proposed facilities would not increase the use of existing neighborhood parks, regional parks, and other recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. Construction activities will not occur in areas designated for recreational use.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XV. TRANSPORTATION/TRAFFIC				
– Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Transportation and Traffic Impacts

Impacts to transportation facilities and levels of service that could potentially occur as a result of the proposed project will be attributable to both population growth and construction activity associated with new facilities. Increases in traffic associated with growth could result in a substantial increase in the number of vehicle trips and a reduction in the level of service of both roads and intersections. During the construction phase of the project, minor disruptions to established traffic flows might occur on selected sections of highways serving the project area. It may also be necessary to temporarily close specific sections of highways as pipelines are installed either directly in the highway right-of-way or immediately adjacent to it. The highways that could be affected are located at the edge of the urbanized area and generally terminate short distances beyond the construction zones. It is possible that access to destinations beyond the construction zones by emergency vehicles could be temporarily impeded during the construction phase.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XVI. UTILITIES AND SERVICE SYSTEMS				
– Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Utilities and Service Systems Impacts

Potential impacts of the proposed project on the generation of wastewater, need for new or expanded water and wastewater treatment facilities, storm water drainage facilities, generation of solid waste and need for additional or expanded landfill facilities are, in part, directly related to population changes. Growth effects associated with implementation of the project are anticipated and, thus, impacts to components of utility and service systems can be expected. During construction activities, limited and temporary interruptions to service could occur. Additionally, increased usage of water from groundwater storage basins may require additional water treatment prior to delivery to end users.

<u>Potentially Significant Impact</u>	<u>Less Than Significant Impact with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effect of past projects, the effects of other current projects, and the effects of probable future projects.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Mandatory Findings of Significance Impacts

Implementation of the proposed project could have potentially significant impacts on the environment for the following resources: air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, and land use/planning. Ground disturbance associated with construction activities during installation of new pipelines is likely to exhibit the greatest effects in biological resources, cultural resources, and geology/soils even though much of the affected area has been previously disturbed. In the short term, construction activities could also cause potentially significant impacts on air quality.

In addition, the project may contribute to cumulatively considerable impacts when combined with the effects of other past, current and probable future projects. The environmental effects of the project are not expected to cause adverse effects on human beings either directly or indirectly.



Exhibit 3. Location of Public Scoping Meeting, July 24, 2002, 7:00 PM

2. Scoping Meeting Materials

2.1 Graphic Presentations






SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

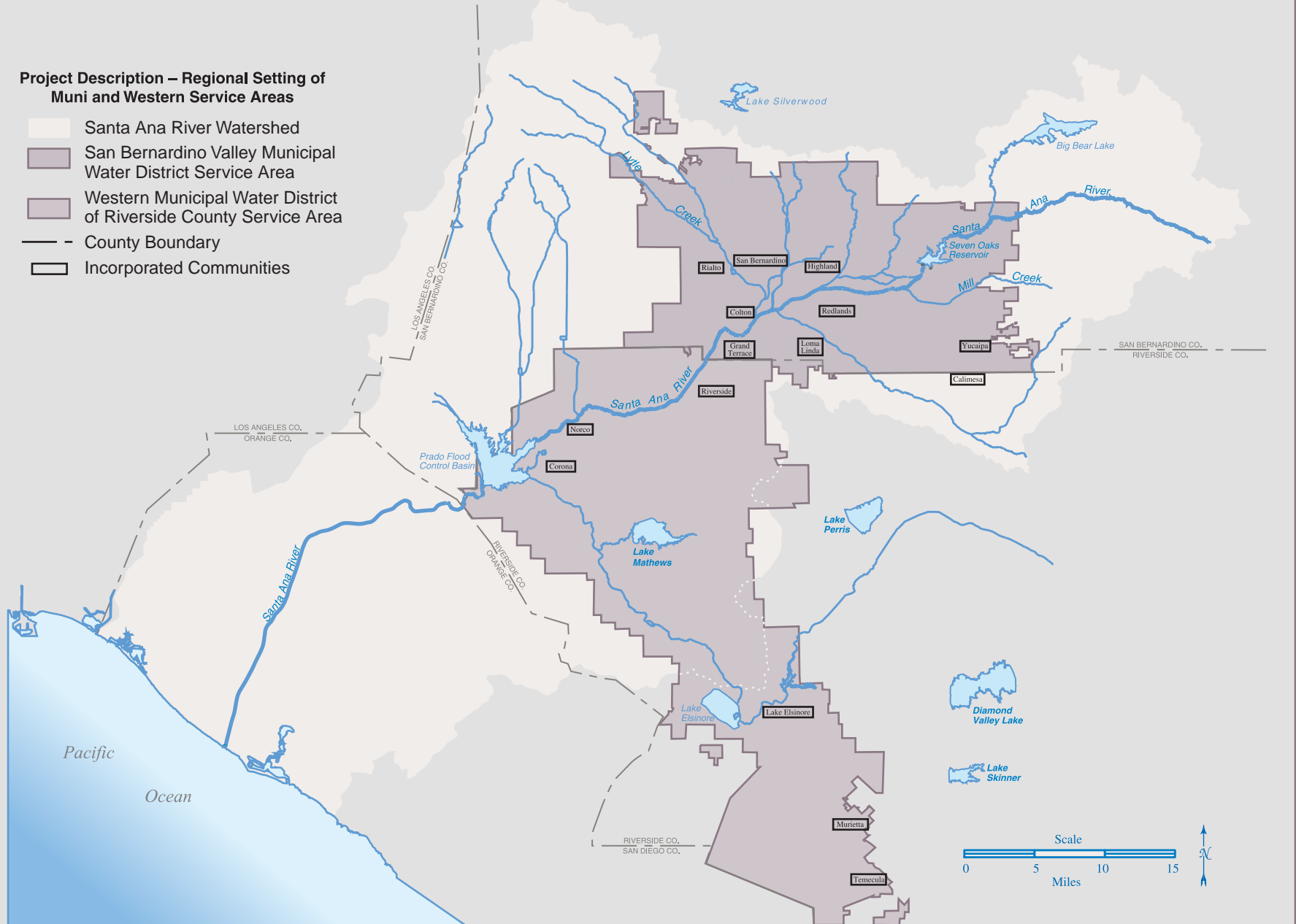
Project Description — Proposed Project Pipelines



SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

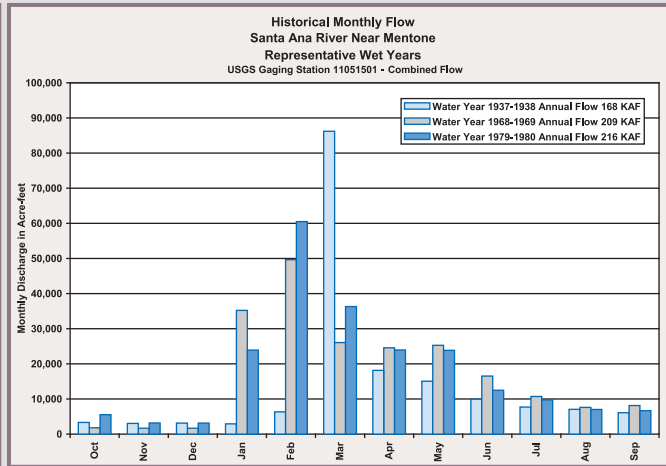
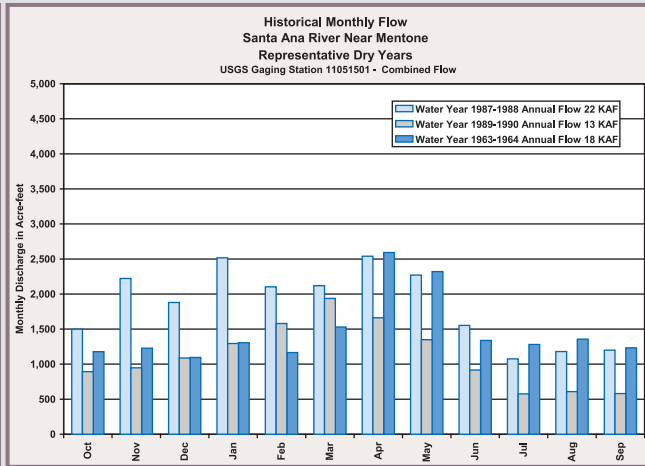
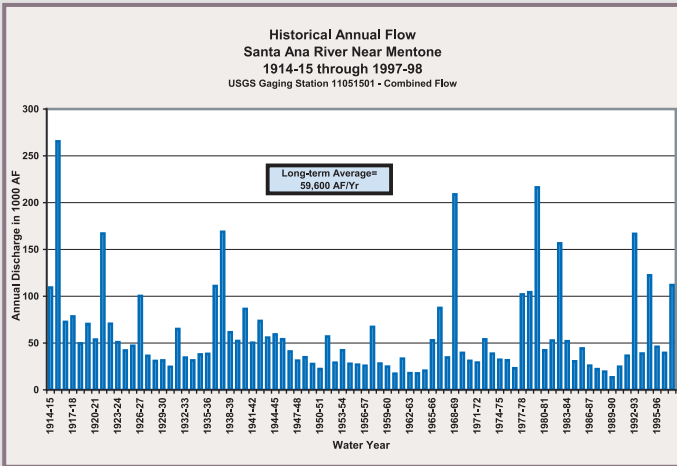
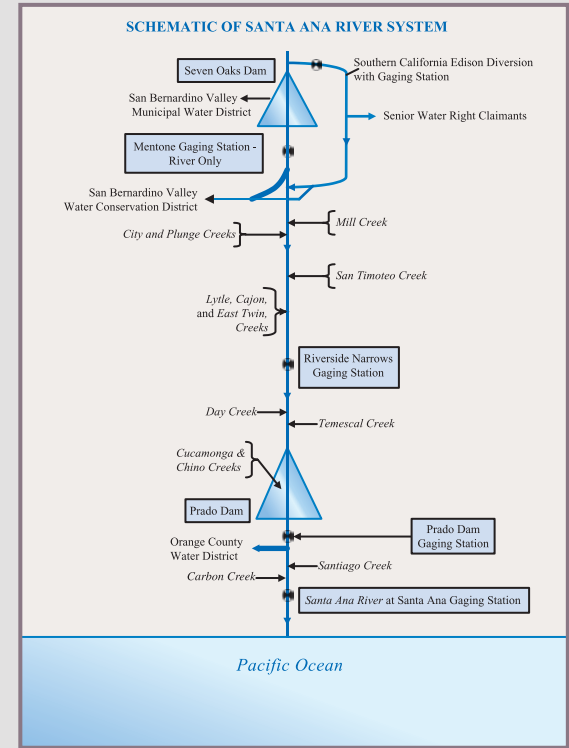
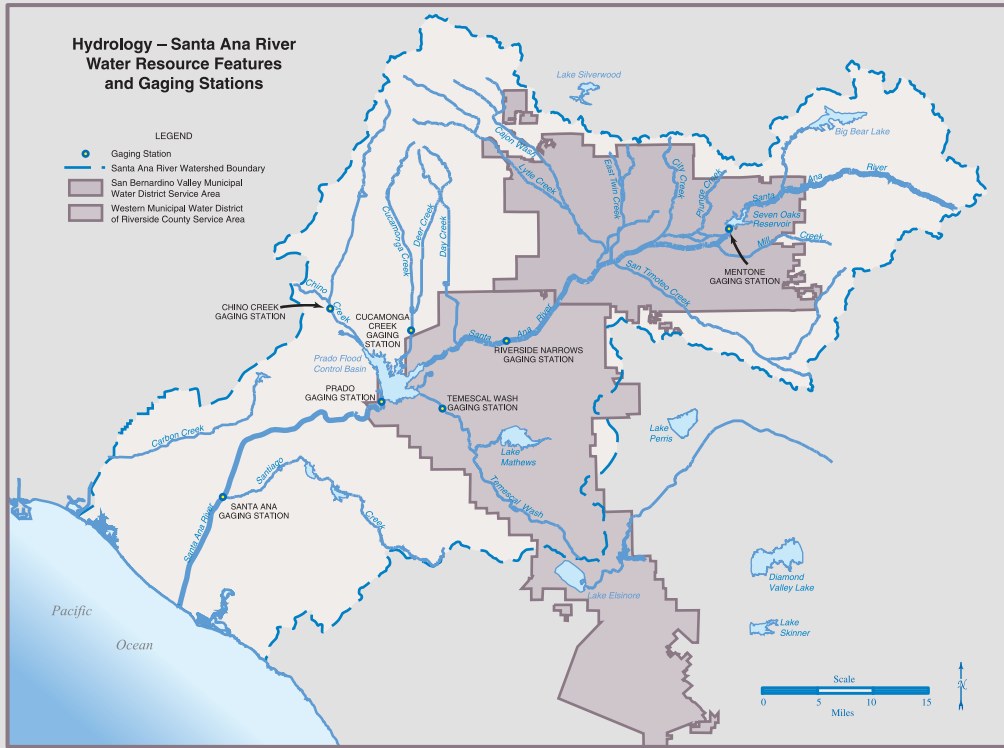
Project Description – Regional Setting of Muni and Western Service Areas

-  Santa Ana River Watershed
-  San Bernardino Valley Municipal Water District Service Area
-  Western Municipal Water District of Riverside County Service Area
-  County Boundary
-  Incorporated Communities



SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Santa Ana River Hydrology



SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Biology – San Bernardino Kangaroo Rat



Courtesy NPS



Federal Register

Tuesday,
April 23, 2002

Part II
Department of the Interior
50 CFR Part 17
Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the San Bernardino Kangaroo Rat, Final Rule

18815 Federal Register/Vol. 67, No. 88/Thursday, April 23, 2002/Notice and Final Rule

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
RIN 1018-AD39

Endangered and Threatened Wildlife and Plants; Final Rule to List the San Bernardino Kangaroo Rat as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines the San Bernardino kangaroo rat (*Dipodomys merriami*) to be an endangered species pursuant to the Endangered Species Act of 1973, as amended (ESA). This subspecies now occurs primarily in alluvial scrub habitats with appropriate vegetative cover and substrate composition. The historical range of the San Bernardino kangaroo rat has been reduced by approximately 93 percent due to agricultural, urban, and industrial development. Threats to all of the remaining populations of the San Bernardino kangaroo rat include habitat loss, destruction, degradation, and fragmentation due to road and gravel mining operations, flood control projects, urban development, off-highway vehicle (OHV) use, in some combinations of these. In addition, these largest remaining populations of this subspecies are endangered due to their small size, and habitat loss caused by changes in the natural stream flow regime, including seasonal flooding and seasonal modifications of great meadow systems. This action contains provisions for the San Bernardino kangaroo rat, which was effective for a 240-day period beginning when this species was emergency listed on January 27, 1998.

DATE: This rule is effective on September 24, 1998.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, California Field Office, 2730 Laker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Ken S. Berg, Field Supervisor, at the above address (telephone 760/431-9440).

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
RIN 1018-AD39

Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the San Bernardino Kangaroo Rat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines the San Bernardino kangaroo rat (*Dipodomys merriami*) to be an endangered species pursuant to the Endangered Species Act of 1973, as amended (ESA). This subspecies now occurs primarily in alluvial scrub habitats with appropriate vegetative cover and substrate composition. The historical range of the San Bernardino kangaroo rat has been reduced by approximately 93 percent due to agricultural, urban, and industrial development. Threats to all of the remaining populations of the San Bernardino kangaroo rat include habitat loss, destruction, degradation, and fragmentation due to road and gravel mining operations, flood control projects, urban development, off-highway vehicle (OHV) use, in some combinations of these. In addition, these largest remaining populations of this subspecies are endangered due to their small size, and habitat loss caused by changes in the natural stream flow regime, including seasonal flooding and seasonal modifications of great meadow systems. This action contains provisions for the San Bernardino kangaroo rat, which was effective for a 240-day period beginning when this species was emergency listed on January 27, 1998.

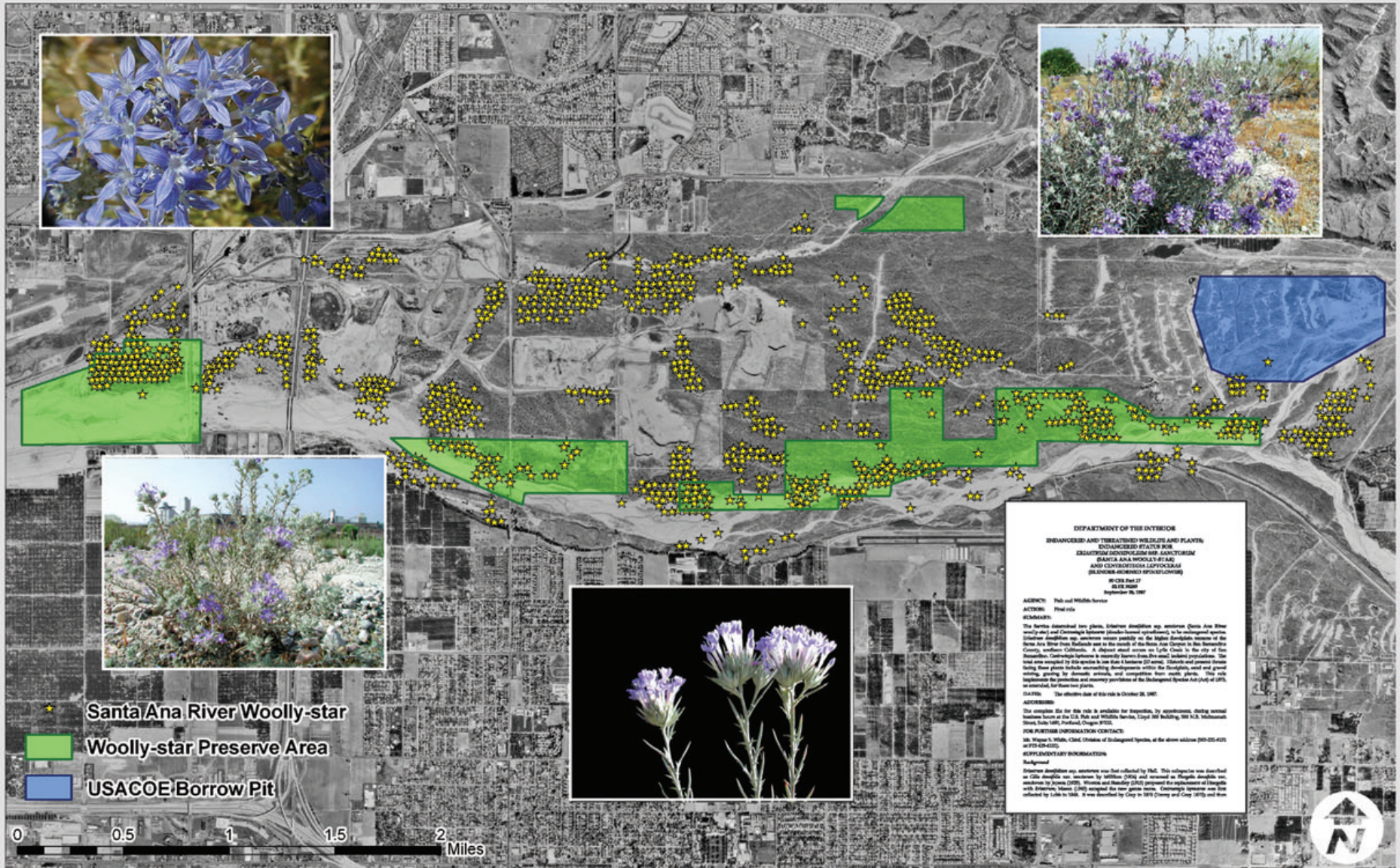
DATE: This rule is effective on September 24, 1998.




ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, California Field Office, 2730 Laker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Ken S. Berg, Field Supervisor, at the above address (telephone 760/431-9440).

SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Biology – Santa Ana River Woolly-star



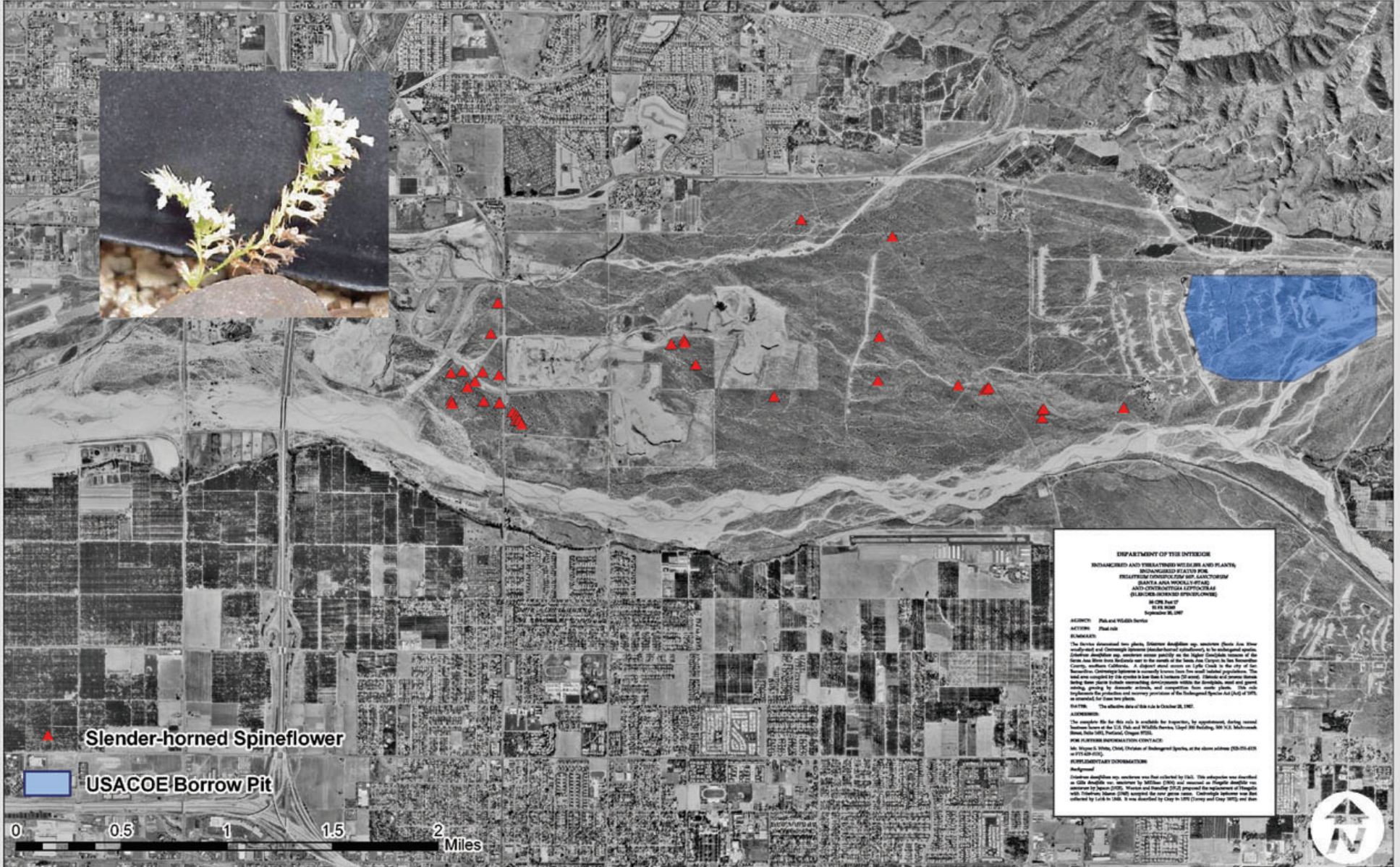
 Santa Ana River Woolly-star
 Woolly-star Preserve Area
 USACOE Borrow Pit

DEPARTMENT OF THE INTERIOR
 ENDANGERED AND THREATENED SPECIES AND PLANTS
 ENDANGERED SPECIES ACT
 (EGMONT) (ENDANGERED SPECIES ACT)
 SANTA ANA WOOLLY STAR
 AND CRYPTANTHUS LAPIDICUS
 (ENDANGERED SPECIES ACT)
 50 CFR Part 17
 92 FR 10007
 September 26, 1987
 AGENCY: Fish and Wildlife Service
 ACTION: Final rule
 SUMMARY:
 The Service determined that plants, Eriogonum fasciculatum ssp. australe (Santa Ana River woolly star) and Ceanothus velutinus (velvet leaved ceanothus), are endangered species. Eriogonum fasciculatum ssp. australe occurs primarily in the highest floodplain reaches of the Santa Ana River basin. Ceanothus velutinus occurs in the riparian zone of the Santa Ana River basin. Ceanothus velutinus is a species native to the riparian zone of the Santa Ana River basin. A deposit was made on 1/11/87 in the city of Los Angeles. Ceanothus velutinus is a species native to the riparian zone of the Santa Ana River basin. The land area occupied by this species is one acre to between 20 acres. Plants and grasses found in this area include: mesquite, douglas fir, oak, and grass. This rule implements the protection and recovery provisions of the Endangered Species Act (ESA), as amended, for these two plants.
 DATES: The effective date of this rule is October 26, 1987.
 AUTHORITY:
 The complete text for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, U.S. Building, 990 N. Washington Street, Suite 1000, Portland, Oregon 97228.
 FOR FURTHER INFORMATION CONTACT:
 Mr. Walter S. Wynn, Chief, Division of Endangered Species, at the above address (503-253-6311) or (503-253-6312).
 SUPPLEMENTARY INFORMATION:
 Background
 Eriogonum fasciculatum ssp. australe was first collected by T.M. This subspecies was described as C. fasciculatum ssp. australe by Wiggins (1955) and named as Eriogonum fasciculatum ssp. australe by Jones (1975). Wiggins and Stanley (1975) proposed the replacement of Eriogonum with Eriogonum. Jones (1975) proposed the name Eriogonum ssp. australe. This rule is collected by Lutz in 1984. It was described by Gray in 1851 (Gray and Gray 1851) and then



SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Biology – Slender-horned Spineflower



SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Cultural Resources

Cultural Resources (as defined in CEQA Guidelines) include:

- prehistoric archaeological sites
- historic archaeological sites
- standing historic structures, buildings, districts, and objects
- locations of important historic events
- sites of traditional/cultural importance

A resource is considered to be "historically significant if it:

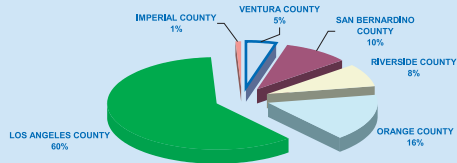
- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important to our past;
- embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- has yielded, or may be likely to yield, information important in prehistory or history.



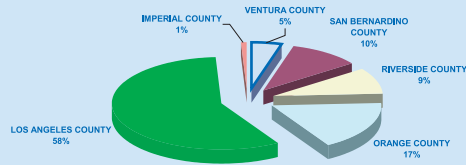
SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Population and Housing

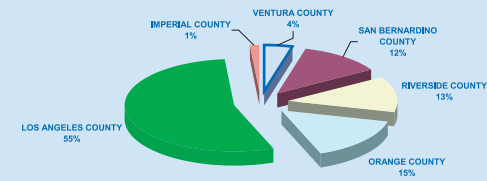
Population Share By County - 1990



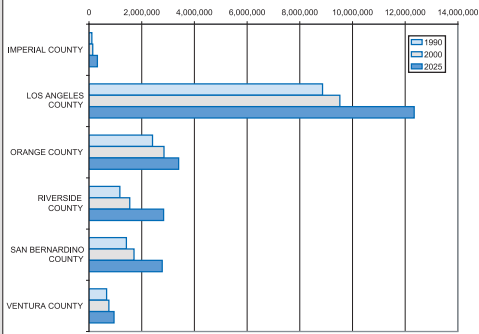
Population Share By County - 2000



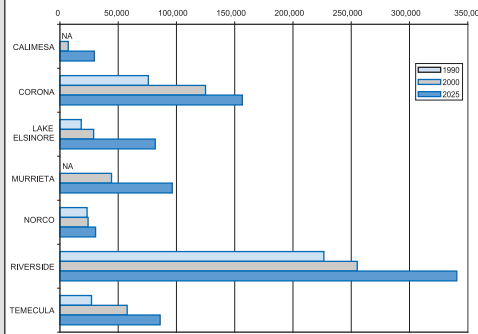
Population Share By County - 2025



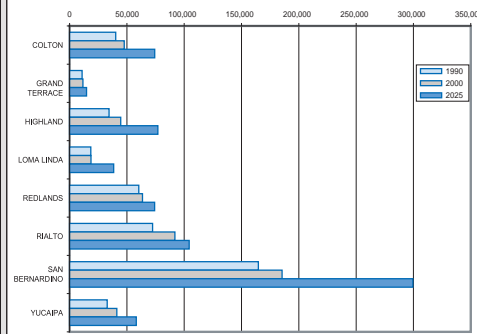
Population by County - 1990, 2000 and 2025



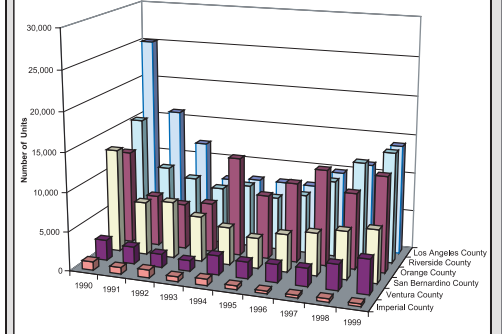
Population by Place, Riverside County - 1990, 2000 and 2025



Population by Place, San Bernardino County - 1990, 2000 and 2025



Housing Units Authorized for Construction by County - 1990 to 1999



Regional Water Storage Facilities

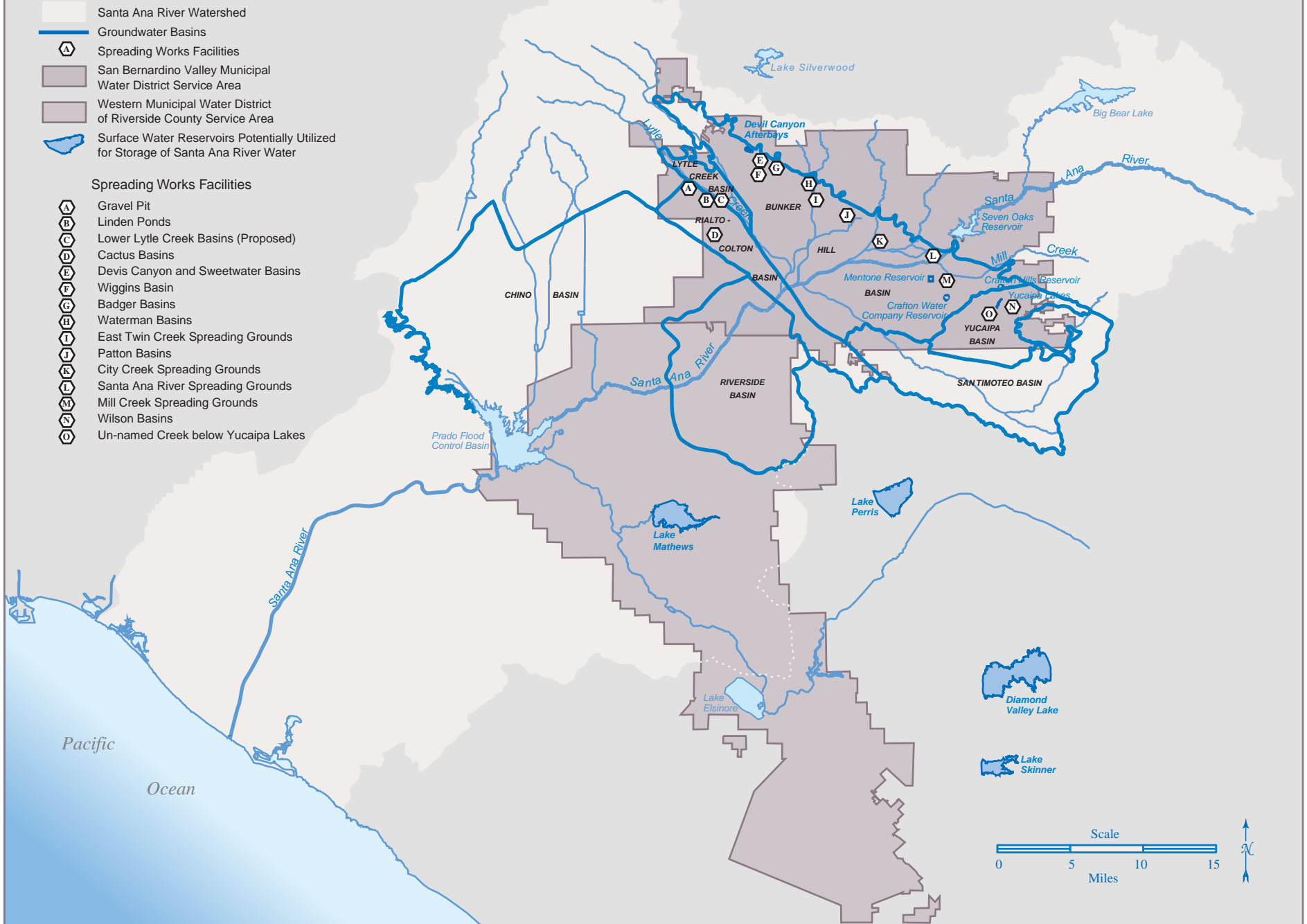
SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Regional Water Storage Facilities

-  Santa Ana River Watershed
-  Groundwater Basins
-  Spreading Works Facilities
-  San Bernardino Valley Municipal Water District Service Area
-  Western Municipal Water District of Riverside County Service Area
-  Surface Water Reservoirs Potentially Utilized for Storage of Santa Ana River Water

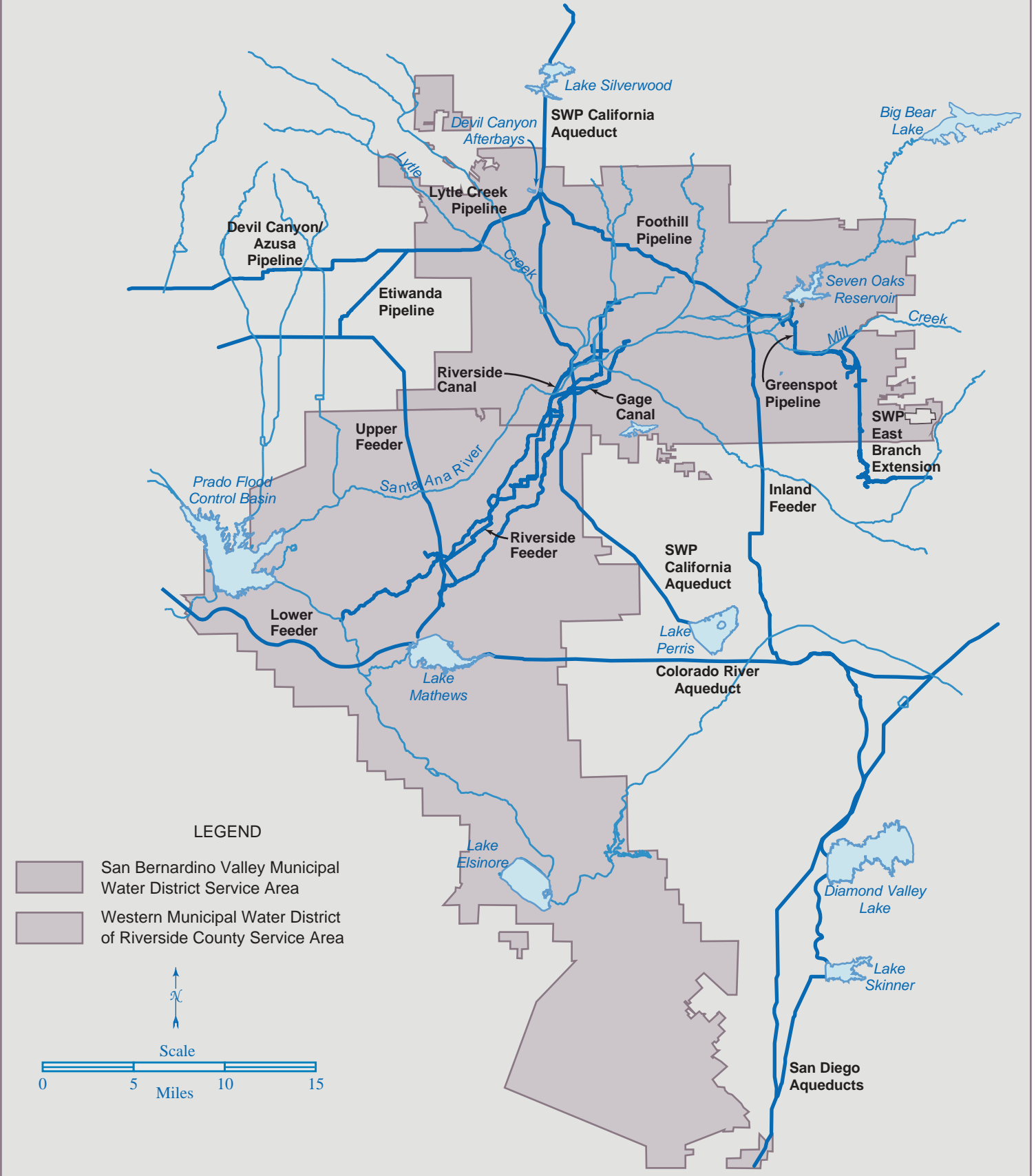
Spreading Works Facilities

-  Gravel Pit
-  Linden Ponds
-  Lower Lytle Creek Basins (Proposed)
-  Cactus Basins
-  Devils Canyon and Sweetwater Basins
-  Wiggins Basin
-  Badger Basins
-  Waterman Basins
-  East Twin Creek Spreading Grounds
-  Patton Basins
-  City Creek Spreading Grounds
-  Santa Ana River Spreading Grounds
-  Mill Creek Spreading Grounds
-  Wilson Basins
-  Un-named Creek below Yucaipa Lakes



SANTA ANA RIVER WATER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY EIR

Hydrology – Regional Water Conveyance Facilities



2. Scoping Meeting Materials

2.2 Sign-In Sheets

Santa Ana River Water Rights Applications for Supplemental Water Supply EIR Public Scoping Meeting

- Sign-In Sheet -

**San Bernardino Valley Municipal Water District (Muni) and
Western Municipal Water District of Riverside County (Western)**
San Bernardino, California, August 6, 2002

*Welcome to the Scoping Meeting.
Please take a moment to sign in and take a "Comment Card".*

Name	Address	Email Address
Monica Bond	PO Box 493 Idyllwild, CA 92549	mbond@ biologicaldiversity.org
Lance Natsuhara	County of Orange P.O. Bbx 40480 Santa Ana CA 92702	
Ed Killgore	1350 S EST SB.	MR7EBK.Aol.com
STEVE KENNEDY	1839 COMMERCIAL WEST S.B. 92412	SKENNEDY@ccc.org

Santa Ana River Water Rights Applications for Supplemental Water Supply EIR Public Scoping Meeting

- Sign-In Sheet -

**San Bernardino Valley Municipal Water District (Muni) and
Western Municipal Water District of Riverside County (Western)**
San Bernardino, California, August 6, 2002

*Welcome to the Scoping Meeting.
Please take a moment to sign in and take a "Comment Card".*

Name	Address	Email Address
GARY FAULKNER	21349 N. HOUGHTON RD CASTAIC CA 91384	garyf@water.ca.gov
Bernard Kersey	P.O. Box 710 SAN BERNARDINO, CA 92402	kersey-be@ci.san-bernardino.ca.us
MARK BULO	1350 S. E. Street San Bern Co 92402	markbulo@cpl.net
Bill GAZZANIBUNG	2785 CEDAR ST S.B. 92404	wcgnofna@PARTSLINK.NET
Tom Barnes	4221 Wilshire Blvd # 480 Los Angeles 90048	tbarnes@ ASS ASSOC.COM

3. Comments on NOP

Public Scoping Meeting Comment Card

Santa Ana River Water Rights Applications for Supplemental Water Supply EIR

**San Bernardino Valley Municipal Water District (Muni)
Western Municipal Water District of Riverside County (Western)**

San Bernardino, California, August 6, 2002

The scoping process helps to define the range and depth of analysis included in the EIR on the proposed project. If you have comments regarding the scope of this analysis, please provide them below, along with contact information, and place the card in one of the boxes provided. Should you choose to mail your comments, the return address is printed on the reverse side. Please fold, staple or tape, provide a return address, affix postage, and mail.

Thank you.

Name: Monica Bond	Representing: Center for Biological Diversity
Address: PO Box 493	City & Zip Code: Idyllwild, CA 92549
Phone No: (909) 659-6053	Email Address: mbonda@biologicaldiversity.org

COMMENT

The Army Corps of Engineers has failed to provide an adequate and honest Biological Assessment regarding the effects of the water diversions on all impacted listed species. Before Muni and Western proceed with plans to divert water from the Santa Ana River, the Corps must determine the amounts of water needed to conserve (ie not jeopardize the continued existence of) these T & E species, and provide mitigation that will ensure the continued existence of the species. Until then, no water should be diverted to Muni & Western.

Attn. Christopher Clayton

SAIC
525 Anacapa Street
Santa Barbara
California 93101

Affix
Postage

Return Address

In this scoping, we would like to see accurate assessments of impacts to all listed species - including cumulative impacts.



COUNTY OF ORANGE

PUBLIC FACILITIES & RESOURCES DEPARTMENT

Herb Nakasone, Manager
Public Works/Flood Control

300 N. Flower Street
Santa Ana, CA

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AUG 0 8 2002

Mr. Christopher Clayton
Santa Ana River Water Rights Applications EIR
C/o Science Applications International Corporation
525 Anacapa Street
Santa Barbara, CA 93101-1603

SUBJECT: NOP of EIR for Proposed Santa Ana River Water Rights Applications for Supplemental Water Supply

Dear Mr. Clayton:

Thank you for the opportunity to review and comment on the subject Notice of Preparation (NOP). Based upon our review of the NOP, it is our understanding that the EIR is to address a proposed project (Project) comprised of four main components: (1) diversion of Santa Ana River Water; (2) storage of water at Seven Oaks Dam (SOD); (3) the use of existing conveyance infrastructure; and (4) the construction of various pipelines from the Santa Ana River and SOD to convey water to surface/underground storage basins.

As you are aware, the SOD was constructed by the U.S. Army Corps of Engineers (USACE), in cooperation with the flood control districts of San Bernardino, Riverside and Orange Counties (collectively referred to as the 'Local Sponsors'). SOD construction is complete, and the USACE intends to turn over both ownership and management (operation, maintenance, and repair responsibilities) of SOD to the Local Sponsors in September 2002. In consideration of SOD's potentially prominent role in the proposed Project, the following comments are provided:

1. A Section 7 consultation is currently in process to evaluate the potential impacts to Endangered Species due to SOD flood control operation. This consultation is not addressing potential impacts due to any proposed water conservation program as contemplated by the project proponents. Potential mitigation measures resulting from the Section 7 consultation could affect SOD operation. Consequently, a 'final water control plan' - which dictates the volume of water retention at SOD for flood control operation mitigation and the rate at which retained water is released - cannot be developed by the USACE, until after conclusion of the Section 7 consultation and

Mr. Christopher Clayton

Page 2

issuance of a Biological Opinion by the U.S. Fish and Wildlife Service.

2. The SOD is to be managed/operated, based on an Operations and Maintenance (O&M) Manual prepared by USACE. Prior to issuance of the Biological Opinion for SOD, the SOD O&M Manual includes an 'interim water control plan' for flood control operations.
3. Water conservation is currently not authorized at SOD. The proponents of the proposed Project will require a right of access to and authority to operate the SOD for a proposed water conservation program. Implementation of a water conservation program would require authorization by the USACE and Local Sponsors and modification to the SOD O&M Manual. Any proponent of a proposed water conservation program involving SOD would consequently have to enter into a written agreement for such purposes with the Local Sponsors. In addition, any water conservation program authorized at SOD would have to be consistent with mitigation requirements for SOD flood control operations.
4. In general, the NOP provided insufficient information to perform a detailed analysis of the proposed improvements for compatibility with the SOD flood control operation. Potential construction of any improvements on Federal/Local Sponsor property will require the approval of the Local Sponsors and the USACE.

If you have any questions, please contact Ahmad Olomi at (714) 834-2968, or Matthew Blinstrub at (714) 834-2886.

Sincerely,



H. Nakasone, Manager
Flood Control Division

\\Pwfid023\Elayne\NOPSBVMWDWaterCon_NCL02-83.doc

cc: Donald L. Harriger, Western Municipal Water District
Ken Miller, SBCFCD
Brian Moore, USACE
Tim Neely, PDS/Environmental Planning Services
Robert L. Reiter, San Bernardino Valley Municipal Water District
Vicki Wilson, PFRD
David Zappe, RCFC&WCD
Robert Donlan, Ellison, Schneider & Harris

BRUNICK, BATTERSBY, MCELHANEY & BECKETT

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STEPHEN MILLER

OF COUNSEL

CHARLES A. PECKHAM

PLEASE REFER TO

August 7, 2002

Santa Ana River Water Rights Applications EIR
c/o Science Applications International Corporation
Attention: Christopher Clayton
525 Anacapa Street
Santa Barbara, CA 93101-1603

Re: Santa Ana River Water Rights Applications for Supplemental Water Supply

Dear Mr. Clayton:

This office serves as General Counsel to the East Valley Water District ("EVWD").

Pursuant to the authority provided in the California Environmental Quality Act ("CEQA"), Public Resources Code ("PRC") Section 21000 et seq., and the Guidelines adopted thereunder, California Code of Regulations ("CCR") Section 15000 et seq., EVWD submits the following comments to the Notice of Preparation ("NOP") issued on July 10, 2002, in connection with the above-referenced matter.

In this regard, CEQA requires that the preparation and review of an environmental impact report ("EIR") "should be coordinated in a timely fashion with the existing planning, review, and project approval process being used by each public agency." CCR Section 15004(c). To help facilitate inter-agency coordination, PRC Section 21080.3(a) requires that the lead agency consult with all responsible agencies and trustee agencies before preparation of an EIR.

The NOP is the procedural device used to initiate such interagency dialogue. PRC Sections 21080.4, 21092.2, 21092.3; CCR Section 15082(a). The NOP must be written so as to provide the agencies with sufficient information to enable them to make meaningful responses. At a minimum, the NOP must include a description of the project, its location on a map, and a statement of the project's probable environmental effects. CCR Section 15082(a)(1).

Christopher Clayton
August 7, 2002
Page Two

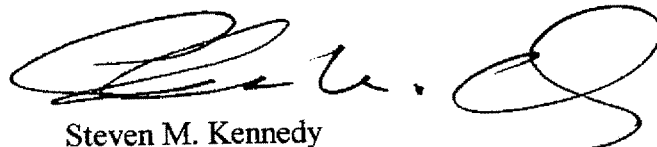
Here, EVWD has raised concerns with respect to the Project which is the subject of the NOP as identified in the Protests filed with the State Water Resources Control Board ("SWRCB") on July 17, 2002, with respect to Application Nos. 31174 and A031165 ("the Applications") to appropriate water by permit (which Protests are incorporated herein by this reference). Therefore, EVWD requests that the scope of the EIR include a complete and detailed environmental analysis of each and every one of the issues raised, directly or indirectly, in the Protests submitted to the SWRCB in connection with the Applications.

Further, EVWD requests that, pursuant to PRC Section 21091(d) and CCR Section 15002(j), a detailed written response to all comments previously submitted, all comments included herein, and all future comments subsequently added by EVWD with respect to the Project, be included in the environmental review record for the Project. EVWD expressly reserves the right to submit additional comments resulting from EVWD's review of the proposed EIR and EVWD's receipt of the responses to those comments provided by EVWD and/or to object to the approval of the Project based upon other areas of the law, including failure to the NOP to satisfy the requirements of CEQA and/or adequately correlate to the EIR.

Your anticipated consideration of these comments is greatly appreciated.

Very truly yours,

BRUNICK, BATTERSBY, McELHANEY & BECKETT



Steven M. Kennedy

cc: Robert E. Martin, EVWD General Manager
Robert C. Wagner

United States Department of Agriculture, Forest Service, San Bernardino National Forest Supervisor's Office



United States
Department of
Agriculture

Forest
Service

San Bernardino National Forest
Supervisor's Office

1824 S Commercenter Circle
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Phone: 909-383-5588
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TTD: 909-383-5616

File Code: 2710

Date:

AUG 08 2002

Santa Ana River Water Rights Application EIR
c/o Science Applications International Corporation
Attn: Christopher Clayton
525 Anacapa Street
Santa Barbara, CA 93101-1603

Dear Mr. Clayton:

The U. S. Forest Service has reviewed the Notice of Preparation for the Draft EIR for diversion of water from the Santa Ana River. Much of the proposed project would be on National Forest lands within the San Bernardino National Forest. Some of the direct diversions and construction of conveyance facilities would impact the National Forest. A special use permit will be required for any activity on the Forest and a NEPA document will be needed to issue a permit. To prepare a CEQA document and then turn around and prepare a separate NEPA document would be duplicative, time consuming, and an unnecessary expense. Therefore, it appears to be more efficient to do a joint document that will meet state and federal needs.

We have been making our concerns known regarding this proposal since 1997 when we were working with the water companies and the Corps of Engineers on the water storage alternative.

The storage of water behind the dam will result in a larger pool for a longer period of time. This will likely result in increased human use (fishing) and thus disturbance to wildlife. The increased size and duration of a lake will result in a greater likelihood that warm water fish and exotic frogs and other species will become established and move upstream. This could adversely affect trout and the success of planned native fish and amphibian restoration. Backing water further and storing it longer will have a greater effect on the stream habitat (spawning gravels etc.) upstream of the dam. This should be thoroughly evaluated and mitigation measures developed.

Riparian vegetation that would become established above the flood control pool would be flooded for a considerably longer period of time under the proposal. It would result in a significantly smaller amount of riparian habitat maintained in the long run due to prolonged inundation. A riparian ecologist should evaluate this potential impact. Our Forest Plan would require mitigation for adverse impacts.

Sediment, erosion, and bank sloughing from the shoreline would be accelerated due to the saturation of the soil with longer standing water.



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Changes in flood regimes and instream flows downstream from the dam from current flood control operation need to be considered and worked out in consultation with the US Fish and Wildlife Service and the Department of Fish and Game. There are at least two threatened and endangered species (San Bernardino kangaroo rat and Santa Ana sucker) downstream that would need to be formally consulted on since the project involves the Forest Service, a Federal agency.

Since the Forest will be required to issue a special use permit for the proposal, a Biological Evaluation will need to be completed for the Forest Sensitive wildlife species.

The change in timing of flows could potentially affect the Santa Ana River woolly star and the slender-horned spineflower, both endangered plant species known to occur downstream of the dam. These species are dependent upon periodic flooding. Formal Consultation with the Fish and Wildlife Service will be required.

We are also concerned that exotic weeds may become established with fluctuating levels of water. The water conservation alternative will result in a greater loss of vegetation and could cause a flux of non-native exotic plants. This needs to be evaluated.

A biological evaluation will need to be completed to address the impacts of the proposal on Forest Service Sensitive plant Species.

A comprehensive recreation opportunity analysis needs to be prepared. The current need and demand for recreation in this area should be assessed. Is the proposed water conservation pool of adequate size and duration to attract and support recreational activities? If so, what opportunities are appropriate? Which agency would design, construct and administer these facilities? Is there any opportunity for concessionaire or a public-private venture? The analysis needs to evaluate which roads and trails will be available for use by the public. Operational concerns, which may limit access and use need to be evaluated. In-lieu site development potential and interpretation need to be considered. What about interpretive facilities below the dam? What impact would increased recreation have on the cultural and biological resources in the area?

Other effects from this project include but are not limited to: dewatering of downstream habitats, desiccation of downstream riparian areas, alteration of downstream and upstream channel morphology, loss or decrease of flushing flows, degradation of streambed, decreased bank stability, changes in nutrient patterns, and alteration of surface/subsurface flows.

Potential mitigation measures for the wildlife, vegetation, and recreational impacts need to be developed and considered as part of the environmental documentation for the proposal. Hopefully, these items can be agreed to in collaboration with the affected agencies and made a part of the proposed action.

Santa Ana River Water Rights Application EIR

Page 3

We are concerned that the water agencies have proceeded with this proposal without inviting the Forest Service to be a cooperating agency and participate in the development of State and Federal environmental documents. If the water agencies approve a CEQA document, there will still need to be a similar NEPA document prepared for the Forest Service to authorize the use. Its preparation would need to be funded by the sponsoring agencies. It would best if we could collaborate on this proposal.

We have prepared these comments with little time to involve all of our staff, so there will probably be additional concerns and opportunities identified as we work with you through the project. If you have any questions regarding this response, please contact Mr. George Kenline, Special Use Unit Team Leader at 909-884-6634 ext. 3122.

Sincerely,



GENE ZIMMERMAN
Forest Supervisor

cc: Western Municipal Water District
San Bernardino Valley Municipal Water District
California Department of Fish and Game
U.S. Fish and Wildlife Service
Jack Gipsman, Office of General Counsel
Randy Gould, Region 5 Water Rights Coordinator



Office of the
City Attorney
City of Redlands

Daniel J. McHugh, Esq.
City Attorney

Leslie E. Murad, II, Esq.
Assistant City Attorney

August 9, 2002

VIA FACSIMILE AND U.S. MAIL

Santa Ana River Water Rights Applications EIR
c/o Science Applications International Corporation
Attention: Christopher Clayton
525 Anacapa Street
Santa Barbara, CA 93101-1603

Re: Notice of Preparation of a Draft Environmental Impact Report

Ladies and Gentlemen:

The City of Redlands has received copies of the Notice of Preparation, Environmental Check List Form and Initial Study that the San Bernardino Valley Municipal Water District and Western Municipal Water District of Riverside County (the "Applicants") have issued in connection with their pending application to obtain an appropriative license from the State Water Resources Control Board to appropriate water from the Santa Ana River. This is the City's preliminary response to those documents and the environmental issues raised therein, and should be entered into the Applicants' record of proceedings for their "scoping" obligations and all other environmental proceedings undertaken by the Applicants related to this matter.

At this time, the City has insufficient information to adequately comment on the environmental impacts of the diversions from the Santa Ana River proposed by the Applicants in their Application No. 31165 (the "Application"). In addition, Redlands also believes that the Applicants have improperly designated themselves as "co-lead agencies" for a project for which the SWRCB is properly the lead agency.

The Applicants have identified the project as "Santa Ana Water Rights Applications for Supplemental Water Supply," and included within that project description should be all of the applications pending before the SWRCB associated with the Santa Ana River and its tributaries. The Applicants, however, have mischaracterized and improperly segmented the "project" when they later attempt to limit the project to "a number of actions required to enable Muni and Western to make beneficial use of water (up to a maximum annual diversion of 200,000 acre feet) to be appropriated from the Santa Ana River."

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Christopher Clayton
August 9, 2002
Page 2

The CEQA Guidelines define the term "project" as the "whole of an action" which may result in a direct or reasonably foreseeable indirect impact. 14 Cal. Code Regs. § 15378(a). CEQA requires that environmental considerations not be concealed by separately focusing on isolated parts of a project and overlooking the cumulative effect of the whole action. *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283. CEQA's broad reach of the term "project" requires the Applicants, and in this case the SWRCB, to consider all of the activities associated with the pending applications before the SWRCB to determine whether those applications may cause immediate and direct environmental impacts, and cumulative impacts. For example, on August 1, 2002, the Orange County Water District issued its "Notice of Preparation" of an EIR assessing the District's pending application to appropriate water from the Santa Ana River. In its "Notice of Preparation," the Orange County Water District also claims it is the lead agency to assess the impacts of diverting and storing Santa Ana River water, and suggests it will prepare a "Program EIR." The Applicants "project" fails to properly include the Orange County Water District's appropriation application within its description.

In addition to the Applicants' and the Orange County Water District's requests for appropriative licenses to divert water, appropriative licenses are concurrently being sought, or may soon be filed in connection with their requests to revise the "Fully Appropriate Stream" status of the Santa Ana River, by the San Bernardino Valley Water Conservation District, the City of Riverside and the Chino Basin Watermaster. Each of these other entities is seeking water rights and diversions of the same stream system affected by the Applicants' Application. Redlands believes the individual environmental impacts of these applications and their cumulative direct and indirect impacts must all be assessed in one comprehensive environmental impact report ("EIR").

The EIR proposed to be prepared by the Applicants fails to take into account these individual impacts and the cumulative effects of all of these competing water rights applications. Accordingly, the City reserves its right to submit substantive comments on the environmental impacts on the Applicants' "Application" after the State Water Resources Control Board ("SWRCB") prepares a draft EIR on the diversion project described in the Application, and all other pending diversion and storage applicants, in accordance with the California Environmental Quality Act ("CEQA").

The SWRCB has recognized the important role environmental compliance has in the processing of all of the applications that are proposed or pending to appropriate water from the Santa Ana River:

"Prior to any potential approval or decision to proceed with a proposed project, these eight persons and entities and the SWRCB must fulfill their obligations under the California Environmental Quality Act ('CEQA,' Public Resources Code section 21000 et seq.) In addition to meeting statutory responsibilities under CEQA, the SWRCB will comply with its obligations to consider environmental and public interest issues under the Water Code and the public trust doctrine in the context of processing the water right applications submitted by the petitioners."
SWRCB Order WRO 2002-006, p. 5-6.

The SWRCB cannot avoid its CEQA obligation to serve as lead agency for these water rights

Christopher Clayton
August 9, 2002
Page 3

applications by delegating that authority to the Applicants, or others, to undertake environmental review on a "piece-meal" basis. CEQA constitutes a comprehensive scheme to evaluate potential adverse environmental effects of discretionary projects proposed to be carried out or approved by public agencies. Pub. Resources Code, § 21080(a); *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 437. Under CEQA, the "lead agency" is responsible for determining whether an EIR is required for a project and, if so, for preparing the EIR and including it in any report on the project. *Friends of Cuyamaca Valley v. Lake Cuyamaca Recreation & Park Dist.* (1994) 28 Cal.App.4th 419, 426.

CEQA defines a lead agency as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." Pub. Resources Code, § 21067¹. Here, the SWRCB, rather than the Applicants, is the agency that must review the pending applications to appropriate water from the Santa Ana River and its tributaries. Because the SWRCB is the agency responsible for issuing permits to appropriate water from the Santa Ana River and its tributaries, CEQA requires that the SWRCB serve as the lead agency for environmental review of the storage and diversion projects contemplated by all of the pending applications. Only by acting as the lead agency under CEQA will the SWRCB be able to "comply with its obligations to consider environmental and public interest issues under the Water Code and the public trust doctrine in the context of processing the water right applications submitted by the petitioners." SWRCB Order WRO 2002-0006, p. 6.

The SWRCB, not the Applicants or any other entity, is the public agency that "will act first on the project in question [and] shall be the lead agency." CEQA Guidelines § 15051, subd. (c). This is consistent with the legislative goal of assuring environmental impact assessment in governmental planning at the earliest possible time. *Citizens Task Force on Sohio v. Board of Harbor Comrs.* (1979) 23 Cal.3d 812, 814. In accordance with the State's CEQA Guidelines, the SWRCB must serve as the lead agency for those proposed appropriations by nongovernmental entities. CEQA Guidelines § 15051(b), (the lead agency will normally be the public agency "with the greatest responsibility for supervising or approving the project as a whole.") For those applications filed by nongovernmental entities and persons, no other agency but the SWRCB can act as the lead agency.

Further, as to the applications filed by the Applicants, the Chino Basin Watermaster, the City

¹/ Lead agency is to be distinguished from "responsible agency," which "means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project." Pub. Resources Code, §21069. The CEQA Guidelines provide: "Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or negative declaration for the project. This agency shall be called the lead agency." Cal. Code Regs., tit. 14, § 15050, subd. (a)..

Christopher Clayton

August 9, 2002

Page 4

of Riverside and Orange County Water District, the SWRCB (rather than the Applicants) is ideally situated to assess the potential cumulative significant impacts² on water and environmental resources from these applications and other past, present and reasonably foreseeable future water diversion projects within the Santa Ana River watershed.

The importance of the lead agency throughout the environmental review process was highlighted in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692. "The lead agency must independently participate, review, analyze and discuss the alternatives in good faith." *Id.* at p. 736. Moreover, the lead agency's opinion on matters within its expertise is of particular value. *Id.* As the process continues, "the lead agency may determine an environmentally superior alternative is more desirable or mitigation measures must be adopted." *Id.* at p.737. In sum, the lead agency plays a pivotal role in defining the scope of environmental review, lending its expertise in areas within its particular domain, and in ultimately recommending the most environmentally sound alternative.

Redlands suggests it is inappropriate for the Applicants to take direction from the SWRCB and initiate environmental review for their Application. Attempts such as this to delegate or assign lead agency status under CEQA have been rejected by the courts. In *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, the Court of Appeal held a State Water Project contractor was improperly designated the lead agency for the purpose of preparing an EIR for the implementation of the Monterey Agreement. Rather, the Department of Water Resources should have prepared the EIR as the lead agency because it has a statewide perspective and expertise on how allocation of water to another part of the state has implications for distribution throughout the State Water Project system. 83 Cal.App.4th at pp. 903-907³.

In contrast to the Applicants, the SWRCB has a statewide perspective and expertise to assess the pending applications to appropriate water from the Santa Ana River. The approval of any one of the pending applications will implicate, if not compound, the adverse environmental impacts from the approval of any other pending application. The SWRCB will be most familiar, through the

^{2/} The State of California CEQA guidelines define cumulative impacts as:

"two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects."

^{3/} The court ruled that under Public Resources Code section 21067, the designation of the lead agency should be:

"the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment."
(Emphasis added.)

Christopher Clayton
August 9, 2002
Page 5

permitting process, of the isolated and cumulative impacts that each potential additional diversion will have on water, environmental and public trust resources within the Santa Ana River watershed.

Any continued processing of environmental documents by the Applicants for the Application is subject to review by the courts. In *City of Sacramento v. State Water Resources Control Bd.* (1992) 2 Cal.App.4th 960, the appointment of the wrong lead agency required reversal by the court of appeal. There, the court held:

"Despite plaintiffs' contention that [the Department of Food and Agriculture's] responsibility over pesticide regulation does not extend to regulating discharges into state waters, the statutory scheme described above establishes concomitant responsibility in DFA and the Regional Board for protecting state waters from pesticide pollution. The Regional Board's responsibility is to protect state waters from *all* forms of pollution, while DFA's responsibility is limited to pesticide pollution. However, DFA's responsibility extends beyond water pollution to include the total environment. Thus, because the underlying purpose of an EIR is to analyze and inform regarding adverse effects to the environment as a whole (Pub. Resources Code, § 21061), DFA is in the best position to make such an assessment."

Id. at p. 973. As in *City of Sacramento*, the SWRCB is the "logical choice for lead agency" because it has principal responsibility for monitoring and mitigating the environmental impacts of prospective appropriations throughout the Santa Ana River watershed.

So significant is the role of the lead agency that CEQA proscribes delegation. This prohibition was articulated in *Kleist v. City of Glendale* (1976) 56 Cal.App.3d 770, 779:

"Neither the CEQA nor the state guidelines authorize the city council to delegate its review and consideration function to another body. Delegation is inconsistent with the purpose of the review and consideration function since it insulates the members of the council from public awareness and possible reaction to the individual members' environmental and economic values. Delegation is inconsistent with the purposes of the EIR itself."

In summary, the Applicants are not appropriate "co-lead" agencies for this project. By law, the SWRCB should be designated as the lead agency for all of the pending applications to appropriate water from the Santa Ana River and its tributaries. The SWRCB has the principal responsibility for approving the applications to appropriate water from the Santa Ana River. No individual applicant, including the public agencies who have filed applications with the SWRCB, is better situated than the SWRCB to assess the potential impacts on water, environmental and public trust resources – whether individually or cumulatively – from the storage and diversion projects contemplated by the pending applications to appropriate water from the Santa Ana River watershed.

Redlands contends that the Applicants are failing to properly assess the adverse

W A T E R D I V I S I O N

RIVERSIDE



August 9, 2002

File: Seven (7) Oaks Dam

Mr. Christopher Clayton
Santa Ana River Water Rights Applications EIR
% Science Applications International Corporation
525 Anacapa Street
Santa Barbara, CA 93101-1603

**RE: Santa Ana River Water Rights - Notice of Preparation of a draft
Environmental Impact Report (EIR)**

Dear Mr. Clayton:

Thank you for the copies of the above referenced *Notice* and the *Initial Study* for the proposed project. The San Bernardino Valley Municipal Water District ("Muni") and Western Municipal Water District ("Western") agreed to be the Co-Lead Agencies for the proposed project EIR that will be prepared in accordance with the California Environmental Quality Act (CEQA). The proposed "EIR will consider project-specific environmental impacts directly and indirectly attributable to project components."

You sought our interests and views on the scope and content of the draft EIR. The City of Riverside is very interested in the project because it owns water rights within the Santa Ana watershed; participated in funding modifications to the Seven Oaks Dam to permit conservation storage; and benefits from recharge activities of the San Bernardino Valley Water Conservation District.

Muni and Western are jointly proposing to divert up to 200,000 acre-feet of water per annum from the Santa Ana River when available (page 5 of the above referenced *Initial Study*). The new Seven Oaks Dam permits occasional diversions. The State Water Resources Control Board recognized (Order WR 2000-12) that the construction and operation of the Seven Oaks Dam makes additional water available for appropriation (page 5).

The proposed project includes the following: direct stormwater diversions; water storage in Seven Oaks reservoir; using existing conveyance facilities; and the construction of new conveyance facilities to convey water to retail purveyors, aquifers, and surface reservoirs. Existing conveyance facilities as defined in the *Initial Study* include and are not limited to existing transmission mains; groundwater basins (including Chino Basin); surface water reservoirs including the Diamond Valley Reservoir, Lake Perris and Lake Skinner (Exhibit 1, page 7). Muni and Western would integrate the proposed diverted water with other sources of groundwater and surface water supplies to provide maximum operational flexibility and reliability (page 5).

We concur that the proposed project may have significant environmental impacts on hydrology and water quality (page 20). "Water made available from the Santa Ana River

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Santa Ana River Water Rights
July 10, 2002 Notice of Preparation of Draft EIR

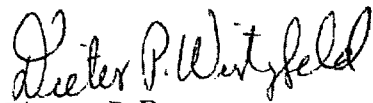
[through the project] would also help offset the current overdrafting of San Bernardino Basin Area water resources" (page 22) and accommodate a portion of water demand from anticipated population growth (page 26).

Riverside requests that the draft EIR, scheduled for release in Spring of 2003, to include the following:

- Propose a basin operations plan to include stormwater diversions from the reservoir; flood control; and the coordinated operations of groundwater basins and existing reservoirs (page 26).
- The estimated quantities of proposed water exchanges and the names of potential beneficiaries.
- The impacts of the proposed diversions and use of groundwater basins storage(s) on potential natural recharge of groundwater basins that would have normally occurred in the absence of proposed diversions.
- The allocation of acquired water rights from the proposed diversions and how it would affect the existing water rights.
- Groundwater quality impacts from reductions in stream flows (page 22) and from water exchanges.
- The relationship of proposed diversion water rights associated with proposed conveyance facilities and water rights associated with funding of conservation storage at Seven Oaks Dam.
- The impacts of proposed operations on water spreading operations of the San Bernardino Valley Water Conservation District.

Thank you for your attention. If you wish to discuss this matter further, please give me a call at (909)-826-5781, or call Zahra Panahi at (909)-826-5612.

Sincerely,


for Thomas P. Evans
Public Utilities Director

xc: Dieter P. Wirtzfeld
Zahra Panahi
Babs Makinde-Odusola
Susan Wilson

TPE/ZP/babs

DEPARTMENT OF PUBLIC WORKS

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COUNTY OF SAN BERNARDINO
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AND PUBLIC SERVICES GROUP

East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
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KEN A. MILLER
Director of Public Works

July 31, 2002

Mr. Christopher Clayton
Santa Ana River Water Rights Applications EIR
c/o Science Applications International Corporation
525 Anacapa Street
Santa Barbara, CA 93101-1603

File#10(ENV)-3.01

REFERENCE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT FOR THE SANTA ANA RIVER RIGHTS
APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY

Dear Mr. Clayton:

Thank you for giving the San Bernardino County Department of Public Works the
opportunity to comment on the above-referenced project.

The site is generally located in the eastern portion of the San Bernardino Valley. Due to
the vast area that the proposed pipelines will cross, the comments made here are general
in nature. More site-specific recommendations will be made at the time of permit
application.

The Water Resources Division's comments are as follows:

1. We recommend that the proposed pipelines be constructed in manner not to alter the
direction, elevation or capacity of any existing drainage course, and that the lines be
placed below all drainage course scour depths.
2. We recommend that no temporary or permanent obstructions be placed in any
drainage course.
3. Prior to any activity on Flood Control District right-of-way, a permit shall be obtained
from the District's Flood Control Operations Division, Permit Section. Other off-site
or on-site improvements may be required which cannot be determined at this time.
4. Approval may also be required from the Corps of Engineers. Information regarding
this item can be obtained from the Flood Control District's Permit Section.
5. We recommend that the local agencies enforce the current FEMA regulations.

The Environmental Management Division's Ecologist has reviewed the above-referenced
project and the remarks are as follows:

JOHN F. MICHAELSON
County Administrative Officer
JOHN GOSS
Assistant County Administrator
Economic Development and
Public Services Group

	Board of Supervisors	
BILL POSTMUS	First District	DENNIS HANSBERGER Third District
JON D. MIKELS	Second District	FRED AGUIAR Fourth District
	JERRY EAVES	Fifth District

Page 2

July 31, 2002

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
SANTA ANA RIVER RIGHTS APPLICATIONS FOR SUPPLEMENTAL WATER SUPPLY

1. The document lists the potential significant direct impacts to various protected species and their habitat. However, the secondary or indirect impacts are not clearly defined. The most obvious indirect impact is the change in the fluvial system. Once the system is altered, the vegetative communities downstream of the Seven Oaks Dam dependent on the natural flow regime for their survival will be in peril. For example, the Santa Ana River woolly star needs the natural fluvial events to germinate and propagate. As these sensitive plant communities support many protected or endangered species, eventually, these species and potentially their viability will suffer.
2. The EIR should be aware of and discuss how the project can coexist with the County Multi Species Habitat Conservation Plan (MSHCP) that is currently under development.

The Traffic Division's comment is as follows:

1. A Traffic Study is recommended to quantify and mitigate the impact of the pipeline construction on County roads.

Should there be any further changes to this project, please notify our Department so that we may have the opportunity to comment on the changes. If you have any questions or need additional information, please contact Kelly A. Rozich at (909) 387-8114.

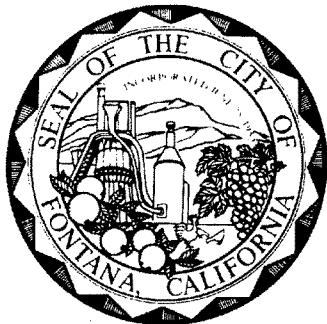
Sincerely,



NARESH P. VARMA, P. E., Division Chief
Environmental Management Division

NPV:KAR:jm/SantaAnaRiverWaterRightsResponse.doc

cc: Jacob Babico, Traffic Division
Mike Fox, Water Resources
Marnie S. McKernan, EMD
Kelly Rozich, EMD
KAM/PJM Reading File



City of Fontana

C A L I F O R N I A

July 25, 2002

Mr. Christopher Clayton
Santa Ana River Water Rights
Applications EIR c/o
Science Applications International Corp.
525 Anacapa Street
Santa Barbara, CA 93101-1603

RE: Notice of Preparation (N.O.P.) for a Draft Environmental Impact Report
(D.E.I.R.) for the Santa Ana River Water Rights Applications for Supplemental
Water Supply
Location: Santa Ana River downstream from (and including) the Seven Oaks
Dam to the City of Highland, and the service areas of the Western Municipal
Water District of Riverside County and the San Bernardino Valley Municipal
Water District

Dear Mr. Clayton:

Thank you for the opportunity to review and comment on the above referenced
document.

After reviewing the above referenced document, the City of Fontana has no comment on
this matter at this time.

Once again, the City of Fontana thanks you for including us on this project's distribution
list.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

Debbie M. Brazill
Deputy Community Development Director

DMB:MN;jh:mm

c: Felipe Molinos, Principal Civil Engineer

www.fontana.org
8353 SIERRA AVENUE FONTANA, CALIFORNIA 92335-3528 (909) 350-7600



South Coast Air Quality Management District

21865 E. Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • <http://www.aqmd.gov>

July 23, 2002

Mr. Christopher Clayton
Santa Ana River Water Rights Application EIR
c/o Science Application International Corporation
525 Anacapa Street
Santa Barbara, CA 93101-1603

Dear Mr. Clayton:

**Notice of Preparation of a Draft Environmental Impact Report for
Santa Ana River Water Rights Application for Supplemental Water Supply**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The AQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR).

Air Quality Analysis

The AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the AQMD's Subscription Services Department by calling (909) 396-3720.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be considered. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the evaluation. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Clean Air Is Every Body's Business

Mr. Christopher Clayton

-2-

July 23, 2002

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the AQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, AQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

AQMD rules and relevant air quality reports and data are available by calling the AQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the AQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The AQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Dr. Charles Blankson, Transportation Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

SBC020717-05LI
Control Number

STATE OF CALIFORNIA

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



July 19, 2002

Robert L. Reiter
San Bernardino Valley MWD - Western Municipal WD of Riverside County
P.O. Box 5906
San Bernardino, CA 92412-5906

RE: SCH# 2002071062 - Santa Ana River Water Rights Applications for Supplemental Water Supply, San Bernardino and Riverside Counties

Dear Mr. Reiter:

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above project. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check.
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in black ink that reads "Rob Wood".

Rob Wood
Environmental Specialist III
(916) 653-4040

CC: State Clearinghouse

Appendix B: Comments Received on the NOP and IS

City of Rialto



City of Rialto

California

July 25, 2002

Santa Ana River Water Rights Applications EIR
C/O Science Applications International Corporation
Attention: Christopher Clayton
525 Anacapa Street
Santa Barbara, California 93101-1603

Dear Mr. Clayton:

The City of Rialto Development Services Department appreciates the receipt of the Environmental Checklist for the Santa Ana River Water Rights Applications. The Department has no comments at this time, and has forwarded this document to our Water Department for further review and comment.

The City of Rialto Development Services Department is requesting to remain on the mailing list for further mailings and is requesting a copy of the Draft Environmental Impact Report (D-EIR), when available.

If you have any questions, or comments please contact me at (90) 421-7218.

Sincerely,

Donn Montag
Principal Planner

DM/lm

DEPARTMENT OF WATER RESOURCES

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

AUG 8 2002



Mr. Robert L. Reiter, General Manager
San Bernardino Valley Municipal Water District
1350 South "E" Street
Post Office Box 5906
San Bernardino, California 92412-5906

Dear Mr. ^{Bob} Reiter:

This is in response to the Notice of Preparation of a Draft Environmental Impact Report and Initial Study received by the Department of Water Resources on or about July 15, 2002. The Department has reviewed the project proposal by the San Bernardino Valley Municipal Water District and the Western Municipal Water District of Riverside County to divert Santa Ana River Water stored at Seven Oaks Dam. At this time, the Department has no comments subject to the California Environmental Quality Act process, however, the following issues summarize various matters of interest to the Department:

- Water Quality -- Project proponents need to be aware of Department policy objectives for the acceptance of "non project water" into State Water Project facilities. There will be a need to demonstrate, through detailed water quality analyses, that Santa Ana River water stored at Seven Oaks Dam meets the State's water quality standards in effect when the non-project water is conveyed through SWP facilities.
- SWP Contracts -- Additional contracts for the use of SWP facilities will likely be necessary to facilitate the transfers/exchanges anticipated under this proposal; provisions will need to address the impacts to SWP operations. The Department is available to discuss proposals for additional turnouts on the SWP. Article 10 of your Water Supply Contract Standard Provisions addresses requests for new SWP delivery structures.
- East Branch Extension of the State Water Project -- The Department has not yet completed negotiations to fulfill all mitigation requirements for Phase I of the EBX. Consideration should be given to avoid potential conflicts, if any, with habitat mitigation or conservation lands identified as part of the EBX.

Consideration should also be given to evaluate impacts the proposed project may have on future expansion of the EBX. (i.e. conflicts with modifications to existing EBX facilities, and/or potential new EBX facilities).

Mr. Robert L. Reiter, General Manager

AUG 8 2002

Page 2

If you have any questions regarding this response or need further information, please contact me at (916) 653-5597.

Sincerely,



David M. Samson,
Project Coordination
State Water Project Analysis Office
Department of Water Resources

cc: Mr. Christopher Clayton ✓
Science Applications International Corporation
525 Anacapa Street
Santa Barbara, California 93101-1603

Mr. Donald L. Harriger, General Manager
Western Municipal Water District of Riverside County
Post Office Box 5286
Riverside, California 92517-5286

Mr. Stephen P. Stockton
General Manager and Chief Engineer
San Geronio Pass Water Agency
795 East Sixth Street, Suite H
Post Office Box 520
Beaumont, California 92223

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

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Director, Water Utility
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DAVID S. ERICKSON
Director, Administration & Finance
JON K. TURNIPSEED
Safety Program Manager

August 9, 2002

Santa Ana River Water
Rights Application EIR
c/o Science Applications
International Corporation
525 Anacapa Street
Santa Barbara, CA 93101-1603

Attention: Christopher Clayton

Dear Mr. Clayton:

The City of San Bernardino Municipal Water Department appreciates the opportunity to review and comment on the Notice of Preparation of a Draft Environmental Impact Report involving the diversion of water from the Santa Ana River by the San Bernardino Valley Municipal Water District and Western Municipal Water District of Riverside County.

The City of San Bernardino Municipal Water Department provides potable water to approximately 180,000 residents within our service area. We are 100% reliant on groundwater from the San Bernardino Basin Area and as such are very supportive of projects to increase the amount of water within the basin, improve water quality and improve water supply reliability. Completion of the Seven Oaks Dam and Reservoir provides such an opportunity.

The hydrology and water quality impacts that will be considered in this review are of particular interest to the department. The Bunker Hill Basin has gone through extended wet and dry cycles with corresponding high and low groundwater levels. Management practices of recharge and basin management must be considered in developing decision points of when the basin cannot accept more recharge and additional surface water should be banked elsewhere or exported. Those triggers or practices are not well defined today. Additionally, if high quality native water is exchanged for other water of lower quality, those effects on groundwater quality should be evaluated.

300 North "D" Street, San Bernardino, California 92418 P.O. Box 710, 92402 Phone: (909) 384-5141
FACSIMILE NUMBERS: Administration: (909) 384-5215 Engineering: (909) 384-5532 Customer Service: (909) 384-7211
Corporate Yards: (909) 384-5260 Water Reclamation Plant: (909) 384-5258

Christopher Clayton

August 9, 2002

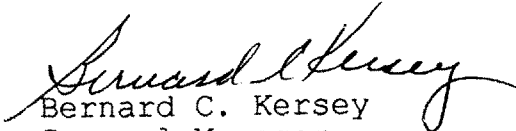
Page 2 of 2

Muni's Foothill Feeder pipeline was designed to move water from Devil's Canyon east to the forebay of the Santa Ana River and to reverse flows from the Santa Ana River back to Devil Canyon. The pipeline was recently extended to serve the San Gorgonio Pass Water Agency through an agreement with the Department of Water Resources. Will Muni be able to move native water from the Santa Ana River back towards Devil Canyon to allow recharge along the foothills with high quality water?

Again we thank you for the opportunity to provide comment and look forward to receiving the Draft EIR. If you have any questions, please call me at (909) 384-5091 or e-mail at kersey_be@ci.san-bernardino.ca.us.

Sincerely,

CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT


Bernard C. Kersey
General Manager

CC: Board of Water Commissioners
Stacey Aldstadt
Robert L. Reiter, SBVMWD



SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

1630 West Redlands Boulevard, Suite A
Redlands, CA 92373-8032
(909) 793-2503
Fax: (909) 793-0188

P.O. Box 1839
Redlands, CA 92373-0581
Email: info@sbvwcd.dst.ca.us

August 12, 2002

Santa Ana River Water Rights Applications EIR
c/o Science Applications International Corporation
Attention: Christopher Clayton
525 Anacapa Street
Santa Barbara, CA93101-1603

VIA Facsimile and US Mail

RE: Notice of Preparation of a Draft Environmental Impact Report

Dear Mr. Clayton:

This letter responds to the subject Notice of Preparation ("NOP"), which was received at the offices of the San Bernardino Valley Water Conservation District ("Conservation District") on July 12, 2002. Comments were to be received by Science Applications International Corporation "no later than 30 days after receipt of this notice." Because the 30th day fell on a Sunday, the required date is Monday, August 12, 2002. The Conservation District has the following comments.

1. The NOP indicates the proposed project is to divert water from the Santa Ana River and, therefore, there is a need to construct some additional water conveyance facilities. The attached Environmental Checklist Form with Initial Study ("Initial Study") indicates the purpose of the environmental impact report ("EIR") is to support the Santa Ana River Water Rights Applications for Supplemental Water Supply submitted by the San Bernardino Valley Municipal Water District ("Muni") and Western Municipal Water District ("Western"). In both the NOP and Initial Study, the emphasis is on the need for and construction of specific conveyance facilities. Hence, it seems the real purpose of the EIR, as presently outlined, is to obtain project specific approval for the conveyance facilities, rather than justify the water rights being sought.

The proponents, Muni and Western, should follow the example of the Orange County Water District ("OCWD"), which has also issued an NOP for its water rights application. However, the OCWD EIR will be a "Program Environmental Impact Report," which will be followed by an EIR for specific water facility projects. OCWD apparently recognizes that the EIR for their water rights application should be separated from follow-on projects that could imply a decision has been made before environmental issues are fully considered.

Previously, Muni attempted to obtain project specific approval of the same conveyance facilities from a Program Environmental Impact Report on its Proposed Regional Water Facilities Master Plan; however, that attempt was also flawed. It seems Muni has a propensity for trying to make one document do too many things. Muni would be well served to follow the OCWD example.

BOARD
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GENERAL
MANAGER

D. Burnell Cavender, AICP

Additionally, the EIR should identify the specific amounts of water available within Reach 6 of the Santa Ana River, and the amount Muni and Western intend to divert. The areas of groundwater spreading of diverted water supplies should be identified, along with an indication of the frequency of use of such spreading facilities, in order to determine likely impacts on groundwater levels and quality in the areas Muni and Western intend to use for the recharge component of its project. The EIR should also indicate how Muni proposes to coordinate any water export from the Bunker Hill Basin, or any recharge activity within it, with existing spreading and diversion activities presently conducted by the Conservation District.

2. Section VIII (b), Hydrology and Water Quality of the Initial Study, is marked “Less Than Significant Impact.” Section VIII (b) asks if the proposed action will:

“b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.)?”

The NOP and Initial Study make reference to the diversion of the additional water being sought in new conveyance facilities (pipelines). However, the Initial Study makes little, if any, reference to analyzing the impact such diversions will have on the groundwater levels in the Bunker Hill Groundwater Basin. For example, the NOP and Initial Study indicate the additional water being sought may be diverted to numerous underground storage basins and surface facilities. However, the Initial Study does not reflect the intent to study the impact that diverting the water away from the Bunker Hill Groundwater Basin will have on those groundwater levels. This item must be addressed.

The supposition of “Less Than Significant Impact” on groundwater recharge is inaccurate. The proposed water rights application, if approved, and the proposed additional water conveyance facilities, if constructed, suggest strongly that the water historically used for groundwater recharge in the Bunker Hill Groundwater Basin would be diverted to other places for other uses. Absent demonstration that the Muni-Western application is restricted to “new” water not previously available within the Reach 6 area of proposed diversion, the proposed actions by Muni and Western would lead to the depletion of groundwater supplies and would interfere with groundwater recharge, such that there would be a net deficit in aquifer volume and a lowering of the local groundwater table level. That impact is NOT “Less Than Significant Impact,” and must be fully analyzed in the proposed EIR.

3. Section XVII, Mandatory Findings of Significance, subsections (a) and (b) are properly marked “Potentially Significant Impact.” However, the text describing the mandatory findings fails to include hydrology and water quality as potentially significant impacts. As indicated above, hydrology is significantly impacted, and Section VIII (f) “Otherwise substantially degrade water quality?” is marked “Potentially Significant Impact.” Therefore, hydrology and water quality should be included with Mandatory Findings of Significance.

4. CEQA requires that a legally sufficient EIR describe a reasonable range of alternatives to the proposed project. The NOP states that any diversions made by Muni and Western "will be made possible by the construction of new water conveyance facilities, use of existing pipelines, and *the coordinated use of underground storage basins* and surface water storage facilities." The NOP also states that "[g]roundwater basins potentially available for recharge and extraction activities include, but are not limited to, the following: San Bernardino Basin Area basins ..."
Based on the above statements in the NOP, it is apparent that groundwater recharge and extraction activities may occur in the San Bernardino Basin. The Conservation District has historically conducted groundwater recharge activities within the San Bernardino Basin. Therefore, any potential recharge activities by Muni and Western as part of the project addressed in the NOP would require coordination with the Conservation District and other parties. In recognition of this fact, the Conservation District included within its protest of the Muni-Western Application a proposed "Regional Water Management Plan: Priorities For Use Of Waters Of The Upper Santa Ana River" ("Regional Water Management Plan"). The EIR should evaluate as an alternative implementation of this Regional Water Management Plan as described in the Conservation District's protest.

The Conservation District appreciates the opportunity to comment on the proposed action.

Yours truly,



D. Burnell Cavender, AICP
General Manager

STATE OF CALIFORNIA - THE RESOURCES AGENCY

DEPARTMENT OF FISH AND GAME
Eastern Sierra - Inland Deserts Region
4775 Bird Farm Road
Chino Hills, California 91709
(909) 597-1008



August 12, 2002

Mr. Robert Reiter
San Bernardino Valley MWD – Western Municipal WD of Riverside County
Post Office Box 5906
San Bernardino, CA 92517-5286
(909) 387-9222
fax (909) 387-9247

Re: Notice of Preparation (NOP) for the Santa Ana River Water Rights Applications for Supplemental Water Supply SCH#2002071062

Dear Mr. Reiter:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced project with regards to impacts to biological resources. The proposed project involves the construction of three pipelines in the vicinity of Seven Oaks Dam on the upper Santa Ana River. Other actions include, but are not limited to, groundwater recharge activities in several groundwater basins using existing facilities, and storage of water in existing surface storage facilities. The location of the project near the Seven Oaks Dam, the upper Santa Ana River, service areas of San Bernardino Valley Municipal Water District and Western Municipal Water District of Riverside County.

The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15388] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381).

A review of records from the California Natural Diversity Database and other area resources indicate that the following sensitive species and habitat types occur in the project vicinity and may be affected by the proposed project: Stephen's kangaroo rat (*Dipodomys stephensi*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*) Least Bell's vireo (*Vireo bellii pusillus*), Southwestern willow flycatcher (*Empidonax traillii extensus*) coastal California gnatcatcher (*Poliophtila californica*), western spadefoot toad (*Scaphiopus hammondi*), California red-legged frog (*Rana aurora draytonii*), Southwestern arroyo toad (*Bufo microscaphus californicus*), Arroyo chub (*Gila orcutti*), Santa Ana speckled dace (*Rhinichthys osculus*), Santa Ana sucker (*Catostomus santaanae*), Santa Ana River woollystar (*Eriastrum densifolium* ssp. *sanctorum*), slender-horned spineflower (*Dodecahema leptoceras*), and Riversidean Alluvial Fan

Sage Scrub habitat. The Department recommends that the potential direct and indirect impacts to the above-mentioned species be analyzed in the DEIR.

The Department believes that the proposed project will conflict with the proposed Multiple Species Habitat Conservation Plan (MSHCP) for Western Riverside County with significant impacts to habitat and threaten and endangered species. The project proponents must address these potential issues. The lead agency is responsible for addressing impacts to Significant Natural Areas (SNA) even though the proponent does not believe there is a conflict, they should address a variety of scenarios.

This particular project has the potential to have significant environmental impacts on sensitive fauna resources, including State and/or Federally listed threatened or endangered species. Therefore, critical aspects of the DEIR should include an alternatives analysis which focuses on environmental resources and in-kind mitigation measures for impacts identified as significant. To enable Department staff to adequately review and comment on the proposed project, we suggest that updated biological studies be conducted prior to any environmental or discretionary approvals. The following information should be included in any focused biological report or supplemental environmental report:

- 1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and sensitive species and sensitive habitats.**
 - a. Conduct an updated (within the last 2 years) general biological study of the site to determine if any sensitive species or habitat (including those mentioned above) may be potentially impacted by the proposed project. A complete assessment of sensitive fish, wildlife, reptile, and amphibian species should be included in the DEIR. Seasonal variations in use of the project area should also be addressed;**
 - b. If appropriate habitat for any listed species occurs on the site, have a qualified biologist conduct focused surveys according to U.S. Fish and Wildlife Service (USFWS) and/or Department protocol;**
 - c. Have a qualified botanist conduct a focused rare plant survey during the appropriate time of year following USFWS and/or Department protocols;**
 - d. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.**
 - e. If any listed species will potentially be impacted by the proposed project, consultation with the Department and/or the USFWS will be required to establish appropriate avoidance, minimization, and mitigation measures. An incidental take permit may be required pursuant to Fish and Game Code Section 2080 *et seq* and/or Section 7 or 10 of the Federal Endangered Species Act (ESA). Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to listed species. Please refer to Item 4 below for more detailed information regarding compliance with the California Endangered Species Act (CESA).**

Page 4

alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.

- a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat elsewhere should be addressed.
 - b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts.
 - c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
4. A California Endangered Species Act (CESA) Incidental Take Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the Department recommends including the following information:
- a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
 - b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
5. The Department opposes the elimination of watercourses and/or their channelization or conversion to subsurface drains. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
- a. Under Section 1600 *et seq* of the Fish and Game Code, the Department requires the project applicant to notify the Department of any activity that will divert, obstruct or change the natural flow or the bed, channel, or bank (which includes

Page 5

associated riparian resources) of a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flow. The Department's issuance of a Lake and Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department, as a responsible agency under CEQA, may consider the local jurisdiction's (lead agency) Negative Declaration or EIR for the project. However, if the CEQA document does not fully identify potential impacts to lakes, streams, and associated resources (including, but not limited to, riparian and alluvial fan sage scrub habitat) and provide adequate avoidance, mitigation, monitoring and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a lake or stream, as well as avoidance and mitigation measures need to be discussed within this CEQA document. The Department recommends the following measures to avoid subsequent CEQA documentation and project delays:

- (1) Incorporate all information regarding impacts to lakes, streams and associated habitat within the DEIR. Information that needs to be included within this document includes: (a) a delineation of lakes, streams, and associated habitat that will be directly or indirectly impacted by the proposed project; (b) details on the biological resources (flora and fauna) associated with the lakes and/or streams; (c) identification of the presence or absence of sensitive plants, animals, or natural communities; (d) a discussion of environmental alternatives; (e) a discussion of avoidance measures to reduce project impacts; and (f) a discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. The applicant and lead agency should keep in mind that the State also has a policy of no net loss of wetlands.
- (2) Include in the DEIR a discussion of potential adverse impacts from any increased runoff, sedimentation, soil erosion, and/or urban pollutants on streams and watercourses on or near the project site, with mitigation measures proposed to alleviate such impacts must be included.
- (3) The Department recommends that the project applicant and/or lead agency consult with the Department to discuss potential project impacts and avoidance and mitigation measures. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Pre-project meetings are held every week at the Department's Chino Hills office. To schedule a pre-project meeting or to obtain a Streambed Alteration Agreement Notification package, please call (562) 590-5880.

Page 6

Thank you for this opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. John Sunada, Associate Biologist (Chino Hills) at (909) 597-1008.

Sincerely,



Terry Foreman
Senior Biologist - Supervisor
Region 6

cc:

Jeff Newman, USFWS, Carlsbad
State Clearinghouse, Sacramento



County of Orange
Planning & Development Services Department

THOMAS B. MATHEWS
DIRECTOR

300 N. FLOWER ST.
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

NCL 02-83

August 12, 2002

Christopher Clayton
Santa Ana River Water Rights Applications EIR
c/o Science Applications International Corporation
525 Anacapa Street
Santa Barbara, CA 93101-1603

SUBJECT: NOP of a DEIR for Santa Ana River Water Rights Applications for
Supplemental Water Supply

Dear Mr. Clayton:

Thank you for the opportunity to respond to the above referenced project. The County of Orange has reviewed the Draft Environmental Impact Report (DEIR) and has no comment at this time. However, we would appreciate being informed of any new developments.

If you have any questions, please contact Charlotte Harryman at (714) 834-2522.

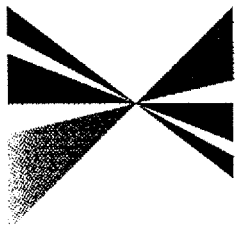
Sincerely,

A handwritten signature in black ink, appearing to read "for Timothy Neely".

for Timothy Neely, Manager
Environmental Planning Services Division

ch

SOUTHERN CALIFORNIA



ASSOCIATION OF GOVERNMENTS

August 13, 2002

Santa Ana River Water Rights Applications EIR
C/o Science Applications International Corporation
Attention: Christopher Clayton
525 Anacapa Street
Santa Barbara, CA 93101-1603

Main Office

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

t (213) 236-1800
f (213) 236-1825

www.scag.ca.gov

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Riverside County: Bob Buser, Riverside County • Ron Lovernidge, Riverside • Greg Petus, Cathedral City • Ron Roberts, Temecula • Jan Rudman, Corona • Charles White, Moreno Valley

San Bernardino County: Jon Mikels, San Bernardino County • Bill Alexander, Rancho Cucamonga • Lee Ann Garcia, Grand Terrace • Bob Hunter, Victorville • Susan Lien, San Bernardino • Gary Oviatt, Ontario • Debra Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Huenceme

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

♻️ Printed on Recycled Paper 559-5/02/02

RE: SCAG Clearinghouse No. I 20020421 Seven Oaks Dam and Reservoir


Dear Mr. Clayton:

Thank you for submitting the **Seven Oaks Dam and Reservoir** to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Seven Oaks Dam and Reservoir**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project will be published in SCAG's **August 1-15, 2002** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
5796 Corporate Avenue
Cypress, California 90630

Gray Davis
Governor

August 21, 2002

Mr. Robert L. Reiter
General Manager and Chief Engineer
San Bernardino Valley Municipal Water District
Post Office Box 5906
San Bernardino, California 92412-5906

Mr. Don Harriger
General Manager
Western Municipal Water District of Riverside County
Post Office Box 5286
Riverside, California 92517-5286

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE SANTA ANA RIVER WATER RIGHTS APPLICATION FOR SUPPLEMENTAL WATER SUPPLY PROJECT

Dear Mr. Reiter & Mr. Harriger:

The Department of Toxic Substances Control (DTSC) has received your Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the above-mentioned project.

Based on the review of the document, DTSC's comments are as follows:

- 1) The Initial Study, Environmental Checklist Form should be filed to the State Clearinghouse (SCH) and obtain a SCH Number. The mailing address of SCH is P.O. Box 3044, Sacramento, California 95812-3044. If you have filed it already, please verify with the SCH.
- 2) The draft EIR needs to identify and determine whether current or historic uses at the Project site have resulted in any release of hazardous wastes/substances at the Project area. The NOP states that the project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code, Section 65962.5 and, as a result, it will create a potentially significant impact to the public or the environment.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

Mr. Robert L. Reiter & Mr. Don Harriger
August 21, 2002
Page 2

- 3) The draft EIR needs to identify any known or potentially contaminated site within the proposed Project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or to the environment.
- 4) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and the government agency to provide appropriate regulatory oversight.
- 5) Any hazardous wastes/materials encountered during construction should be remediated in accordance with local, state, and federal regulations. Prior to initiating any construction activities, an environmental assessment should be conducted to determine if a release of hazardous wastes/substances exists at the site. If so, further studies should be carried out to delineate the nature and extent of the contamination. Also, it is necessary to estimate the potential threat to public health and/or the environment posed by the site. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations and policies rather than excavation of soil prior to any assessments.
- 6) All environmental investigation and/or remediation should be conducted under a Workplan which is approved by a regulatory agency who has jurisdiction to oversee hazardous waste cleanups. Complete characterization of the soil is needed prior to any excavation or removal action.
- 7) If the proposed project is located within 2,000 feet from a contaminated site, then the proposed development may fall under the "Border Zone of a Contaminated Property". Appropriate precautions should be taken prior to construction if the proposed project is on a "Border Zone Property".
- 8) If the site was previously used for vegetation or agricultural, onsite soils could contain pesticide residues and the site may have contributed contamination to the soil and/or groundwater. Proper investigation and remedial actions should be conducted at the site prior to the new development. Details should be provided in the draft EIR.
- 9) The project construction may require soil excavation and/or soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils.

Mr. Robert L. Reiter & Mr. Don Harriger
August 21, 2002
Page 3

Also, if the project is planning to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

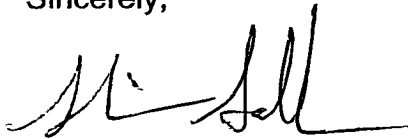
- 10) If the proposed project is planning to demolish any old buildings during the development, investigate the presence of lead paints and asbestos containing materials (ACMs) in the currently existing building structures. If the presence of lead or ACMs is suspected, proper precautions should be taken during any future demolition activities. Additionally, the contaminants should be remediated in compliance with the California environmental regulations.
- 11) If it is determined that hazardous wastes are, or will be, generated by the proposed project, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).
- 12) If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. The facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.
- 13) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by phoning (800) 618-6942.
- 14) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting Mr. Doug Snyder, San Bernardino County Environmental Health at (909) 387-3200.
- 15) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate Health and Safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the draft EIR should identify how any required investigation and/or remediation will be conducted, and the government agency to provide appropriate regulatory oversight.

Mr. Robert L. Reiter & Mr. Don Harriger
August 21, 2002
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DTSC provides guidance for the Preliminary Endangerment Assessment (PEA) preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov.

If you have any questions regarding this letter, please contact Mr. Johnson P. Abraham, Project Manager at (714) 484-5476.

Sincerely,



Haissam Y. Salloum, P.E.
Unit Chief
Southern California Cleanup Operations Branch
Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

FELGER & ASSOCIATES

COUNSELORS AT LAW

726 WEST BARSTOW AVENUE, SUITE 106

FRESNO, CALIFORNIA 93704

TELEPHONE (559) 447-9650

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WARREN P. FELGER
JENNIFER D. REISZ

E-MAIL:
waterlaw@pacbell.net

CELLULAR NUMBER:
(559) 289-6089

DIRECT EMAIL:
wpfelger@pacbell.net

September 6, 2002

BY FIRST CLASS MAIL

Robert L. Reiter
San Bernardino Valley
Municipal Water District
P.O. Box 5906
San Bernardino, CA 92412-5906

Donald L. Harriger
Western Municipal Water District
of Riverside County
P.O. Box 5286
Riverside, CA 92517-5286

**SANTA ANA RIVER
CEQA Compliance**

Ladies and Gentlemen:

We represent the City of Redlands.

Please add my name to your list of parties who are interested in the preparation by San Bernardino Valley Municipal Water District (Muni) and Western Municipal Water District of Riverside County (Western), as co-lead agencies, of a draft environmental impact report (DEIR) for the proposed diversion of water from the Santa Ana River. We would appreciate receiving any documents distributed to the public.

In addition, we understand that the Corps is consulting with the Fish and Wildlife Service under Section 7 of the ESA regarding the proposed flood control operation of the Dam. Please add my name to the mailing list of parties

FELGER & ASSOCIATES

Robert L. Reiter
Donald L. Harriger
September 6, 2002
Page 2

interest in this matter. Again, we would appreciate receiving any documents distributed to the public.

We are also interested in the issue of seasonal water conservation at the Seven Oaks Dam flood control facility on the Santa Ana River. If the Corps initiates action to include water conservation as a component of the flood control operations for the Dam, please apprise us of that action and of any environmental review undertaken by either Muni or Western.

Please call or email me if you have any questions. My direct email is wpfelger@pacbell.net.

Very truly yours,



Warren P. Felger

cc: Daniel J. McHugh, Esq.
Douglas Headrick, PE



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue West
Carlsbad, California 92008



In Reply Refer To:
FWS-SB/RIV-3119.1

Mr. Christopher Clayton
Science Applications International Corporation
525 Anacapa Street
Santa Barbara, California 93101-1603

SEP 12 2002

Re: Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Santa Ana River Water Rights Application of San Bernardino Valley Municipal Water District and Western Municipal Water District of Riverside County, San Bernardino and Riverside Counties, California

Dear Mr. Clayton:

We have reviewed the above referenced NOP which we received on August 14, 2002. The proposed project involves the diversion, when available, of water from the Santa Ana River. Such diversions will be made possible by the construction of new water conveyance facilities, use of existing pipelines, and the coordinated use of underground storage basins and surface water storage facilities. The proposed project has the following main components: 1) direct diversion from the Santa Ana River; 2) storage of water in Seven Oaks Reservoir; 3) use of existing facilities; and 4) construction of conveyance facilities to move water from the Santa Ana River and Seven Oaks Reservoir to retail purveyors or underground and surface storage facilities. Included in the proposed project are pipelines to be constructed from the plunge pool at Seven Oaks Dam to the Foothill Pipeline near Cone Camp Road, a low flow connector between the outlet works of the Seven Oaks Dam and the Greenspot Pipeline, and Morton Canyon Connector II connecting the Greenspot Pump Station and the Greenspot Pipeline.

We offer the following comments and recommendations regarding project-associated biological impacts based on our review of the NOP and our knowledge of declining habitat types and species within the proposed project area. We provide these comments in keeping with our agency's mission to work "with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." Specifically, we administer the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Section 7 of the Act requires Federal agencies to consult with us, the U.S. Fish and Wildlife Service (Service), should it be determined that their actions may affect federally listed threatened or endangered species. Section 9 of the Act prohibits the "take" (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. "Harm" is further defined to include habitat modification or degradation where it kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering. Take incidental to otherwise lawful activities can be permitted under the provisions of sections 7 (Federal consultations) and 10 of the Act. We also provide comments on public notices

Mr. Christopher Clayton (FWS-SB/RIV-3119.1)

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issued by the U.S. Army Corps of Engineers (Corps) for a Federal permit or license affecting the Nation's waters pursuant to the Clean Water Act.

The proposed project has the potential to affect several federally listed species that occur within or downstream of the project area including the federally endangered least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*) and its designated critical habitat, Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*), slender-horned spinyflower (*Dodecahema leptoceras*), the federally threatened Santa Ana sucker (*Catostomus santaanae*), coastal California gnatcatcher (*Poliopiila californica californica*) and its designated critical habitat, and the candidate western yellow-billed cuckoo (*Coccyzus americanus*).

We are concerned about the effects of additional water removal on the existing riparian habitats and streambed ecosystem and federally listed and other sensitive species dependent upon these habitats. Additionally, we are concerned about the availability of water for fish and wildlife resources, particularly that sufficient water be available for the U.S. Army Corps of Engineers' use for offsetting impacts to listed species from operations of Seven Oaks Dam. Therefore, we recommend that the Draft Environmental Impact Report (DEIR) include a full summary and evaluation of the potential impacts of water withdrawal on the federally protected species that could potentially be affected by project implementation. To facilitate the evaluation of the proposed project from the standpoint of fish and wildlife protection, we request that the DEIR contain the following specific information:

1. A complete description of the purpose and need of the proposed project, including all practicable alternatives that have been considered to reduce project impacts to federally listed and other sensitive species and vegetation types (e.g., riparian, alluvial fan sage scrub). Project alternatives should include development proposals with reduced footprints that would further minimize and avoid impacts to federally listed species onsite.
2. Specific acreages and descriptions of the types of sensitive habitats that may be affected by the proposed project or project alternatives. Maps and tables should be included to summarize such information.
3. A description of the biological resources associated with each habitat type. These descriptions should include both qualitative and quantitative assessments of the resources present and potentially occurring on the proposed project site and alternatives. The description should also include complete species lists for all sensitive or rare biological resources onsite. We recommend that protocol or focused surveys be conducted prior to the issuance of the DEIR to adequately assess impacts to Federal and State-listed species and other natural resources.
4. An assessment of direct, indirect, and cumulative impacts from the proposed project to fish and wildlife species and associated habitats. Direct impacts are the immediate effects of the project on the species or its habitat, and include the effects of interrelated and interdependent actions that would not occur but for the proposed project. All facets of the project (e.g., construction, implementation, operation, night lighting, etc.) should be

Mr. Christopher Clayton (FWS-SB/RIV-3119.1)

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included in this assessment. Indirect impacts are caused by or result from the proposed action, are later in time, and are reasonably certain to occur. These impacts may occur outside of the area directly affected by the proposed project. We recommend that you make your cumulative impacts analysis broad enough to include the effects of future State, Tribal, local, or private actions that are reasonably certain to occur in the area affected by your project.

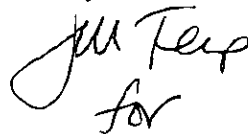
5. Specific plans should be developed to avoid, minimize, and fully offset project-related impacts, including proposals for mitigating the cumulative impacts of direct and indirect habitat loss, degradation, or modification. These plans should be prepared by persons with specific expertise on southern California wildlife, native plants, and ecosystems. Each plan should include a detailed monitoring program with provisions for assessing the success of restoration efforts and contingency plans to be implemented if initial efforts are unsuccessful. The plan should also discuss funding assurances and responsible parties that will guarantee the successful implementation of monitoring programs and ensure the protection in perpetuity of conservation sites. Issues that should be addressed include restrictions on vehicle and people access, proposed land dedications, monitoring and management programs, control of illegal dumping, and restrictions on lighting near the conservation areas.
6. An assessment of potential impacts to wetlands and jurisdictional waters of the United States. Section 404 of the Clean Water Act prohibits the unauthorized discharge of dredged or fill material into such waters, including wetlands. This section also provides that the Army Corps of Engineers (Corps) may issue permits for discharges of dredged or fill material into jurisdictional waters and wetlands. Potential areas of Corps jurisdiction should be evaluated and wetlands should be delineated using the methodology set forth in the Corps' Wetland Delineation Manual (Environmental Laboratory, 1987). The DEIR should disclose all impacts to jurisdictional waters and wetlands, and propose measures to be taken to avoid and minimize impacts, and mitigate unavoidable impacts. If it is determined that wetlands or jurisdictional waters of the United States will be affected by the proposed project, then a section 404 permit from the Corps and/or a 1600 permit from the California Department of Fish and Game may be required.
7. Include in the DEIR a discussion of potential adverse impacts from any increased inundation and/or decreased surface flows on streams and watercourses and associated resources within the watershed of the proposed project.
8. An analysis of how implementation of water diversion, storage and groundwater recharge plans will facilitate additional development and growth in nearby areas, and information about how this project will tie in specifically with adjacent planned developments.
9. Identification of methods to be employed to prevent the discharge and disposal of toxic and/or caustic substances, including oil and gasoline, on the project site especially during construction.
10. An analysis of impacts to listed and other sensitive species from expected noise, pollution, night lighting, erosion, sedimentation, roads, and measures to be taken to minimize any of these adverse impacts.

Mr. Christopher Clayton (FWS-SB/RIV-3119.1)

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We appreciate the opportunity to comment on the referenced NOP. We are available to work with project proponent(s) to avoid, minimize, and/or mitigate impacts to federally listed and sensitive species and their habitats. If you have any questions or comments regarding this letter, please contact Lucy Caskey of my staff at (760) 431-9440.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen A. Evans".

Karen A. Evans
Assistant Field Supervisor

cc: Jeff Drongesen (CDFG, Chino Hills)
Hayley Lovan (Corps, Los Angeles District)