



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water

BOARD OF DIRECTORS MEETING AGENDA

Wednesday, July 8, 2020 – 1:30 p.m.

In accordance with [Governor Newsom's Executive Order N-25-20 and N-29-20](#), this meeting is being conducted via teleconference/Zoom. Anyone wishing to join the meeting can join via

Zoom: Call in (669) 900-6833, Meeting ID: 827 1733 1881

To join the Zoom Meeting online: <https://zoom.us/j/82717331881>

Note: Copies of staff reports and other documents relating to the items on this agenda are on file at the District office and are available for public review during normal District business hours. New information relating to agenda topics listed, received, or generated by the District after the posting of this agenda, but before the meeting, will be made available upon request at the District office and in the Agenda Package on the Districts website. It is the intention of the San Bernardino Valley Water Conservation District to comply with the Americans with Disabilities Act (ADA) in all respects. If you need special assistance with respect to the agenda or other written materials forwarded to the members of the Board for consideration at the public meeting, or if as an attendee or a participant at this meeting you will need special assistance, the District will attempt to accommodate you in every reasonable manner. Please contact Athena Monge at (909) 793-2503 at least 48 hours prior to the meeting to inform her of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

1. PUBLIC PARTICIPATION

Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) Section 54954.2 of the Government Code.

2. ADDITIONS/DELETIONS TO AGENDA

Section 54954.2 provides that a legislative body may take action on items of business not appearing on the posted agenda under the following conditions: (1) an emergency situation exists, as defined in Section 54956.5; (2) a need to take immediate action and the need for action came to the attention of the District subsequent to the agenda being posted; and (3) the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

3. CONSENT CALENDAR

- A. Approval of Board Minutes, June 10, 20205
- B. Approval of Expenditure Report, June 2020 10

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BOARD OF DIRECTORS

Division 1:
Richard Corneille
Division 2:
David E. Raley

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

GENERAL MANAGER

Daniel B. Cozad

4. COMMITTEE REPORTS /ACTION ITEMS

Action Items

A. UNAUDITED FINANCIAL REPORTS, June 2020 - 5 minutes (M#1726).....17
Presenter: Daniel Cozad
Recommendation: Review and approve the unaudited financials for June 2020.

B. UPPER SANTA ANA RIVER WASH HABITAT CONSERVATION PLAN AND FINAL ENVIRONMENTAL IMPACT STATEMENT/SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT - 20 minutes (M#1728).....24

Presenters: Betsy Miller/David Cosgrove

a. Public Comment

b. **Recommendation:**

- i. Certify that the Final Environmental Impact Statement/Supplemental Environmental Impact Report for the Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan, FWS-R8-ES-2019-N111 and SCH No. 2004051023, has been prepared in accordance with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), and that said report reflects the independent judgement of the San Bernardino Valley Water Conservation District as Lead Agency, and state for the record that the FEIS/SEIR has been reviewed and considered prior to approving the project
- ii. Adopt the Findings, Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program (MMRP) for the Final Environmental Impact Statement/Supplemental Environmental Impact Report Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan
- iii. Approve and adopt the Upper Santa Ana River Wash Habitat Conservation Plan
- iv. Authorize the General Manager to execute, on behalf of the District, any and all documents relating to the issuance of any Incidental Take Permits (State or Federal), other permits related to implementation of the Upper Santa Ana River Wash Habitat Conservation Plan, and any Implementation Agreement, Memoranda of Understanding, or Certificates of Inclusion in furtherance of such plan.
- v. Approve Resolution No. 579 approving the Upper Santa Ana Wash Habitat Conservation Plan and Certifying the Final Environmental Impact Statement/Supplemental Environmental Impact Report prepared therefor and making certain findings relative thereto.

C. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL BIOLOGICAL SERVICES WITH ORIGIN BIOLOGICAL - 10 minutes (M#1727).....98

Presenter: Daniel Cozad

Recommendation: Staff recommends that the Board amend the Contract Services Agreement for Professional Services (Agreement) with Origin Biological (Consultant) for biological services to increase the not-to-exceed amount by \$176,505.

5. **INFORMATION ITEMS:**

- A. Wash Plan Verbal Update – 5 Minutes
- B. Construction Projects Plunge/Mill/ARTP Verbal Update – 5 Minutes
- C. General Manager’s Report and Monthly Recharge Report – 5 Minutes115
- D. Cost Benefit Analysis for Aggressive Recharge Operations – 10 Minutes.....121
- E. Future Agenda Items & Staff Tasks

6. **MONTHLY BOARD MEMBER MEETING REPORTS, AND/OR BOARD MEMBER COMMENTS**

- A. Board Member Meeting Reports – 15 minutes

7. **UPCOMING MEETINGS:**

- A. June 16, 2020 San Bernardino Valley Municipal Water District Board Meeting, 2:30 p.m. at Valley Municipal
- B. July 3, 2020 District Closed in Observance of Independence Day
- C. July 7, 2020 San Bernardino Valley Municipal Water District Board Meeting, 2:00 p.m. at Valley Municipal
- D. July 8, 2020 Board of Directors Meeting, 1:30 p.m. at Conservation District
- E. July 9, 2020 Active Recharge Transfer Projects Policy Committee, 9:00 a.m. at Conservation District
- F. July 15, 2020 Big Bear Watermaster Committee, 1:30 p.m. at Conservation District
- G. July 15, 2020 Advisory Commission on Water Policy, 6:30 p.m. at Valley Municipal
- H. July 21, 2020 San Bernardino Valley Municipal Water District Board Meeting, 2:00 p.m. at Valley Municipal
- I. July 22, 2020 Finance & Administration Committee, 1:30 p.m. at Conservation District
- J. August 3, 2020 Ad Hoc Audit Committee, 10:30 a.m. at Conservation District
- K. August 12, 2020 Board of Directors Meeting, 1:30 p.m. at Conservation District
- L. August 14, 2020 SBC Water Conference, 9:00 a.m.-1:00 p.m. at Double Tree Ontario

8. **CLOSED SESSION**

- 1. The Board will meet in Closed Session under authority of Government Code §54956.9 (a), in order to discuss existing litigation, Endangered Habitats League et al. vs. U.S. Army Corps of Engineers, Central District Court Case no. Case No.: 2:16-cv-09178-MWF-E.

2. The Board will meet in closed session under authority of Government Code §54956.8 regarding the potential renewal of lease of various properties located within section 11 and 12 more specifically described in “Mineral Lease for Extraction of Sand and Gravel Materials” dated November 1, 2011. The discussion will concern the price and terms of a potential renewal of the lease. The District’s negotiators are Daniel Cozad and David Cosgrove. The party with whom the District will negotiate is Cemex Materials Pacific, LLC, and its negotiators are Sean Palmer and Christine Jones.
3. The Board will meet in closed session under authority of Government Code §54956.8 regarding the lease of various tenant suites at 1630 West Redlands Boulevard, Redlands, CA. The parties with whom the District may negotiate are listed below. The discussion will concern the price and terms of a potential revision of applicable leases. The District’s negotiators are Daniel Cozad and David Cosgrove. The parties with whom the District may negotiate are: Chris Pohren, Discover Cruises; and Reverend Daniel Yeboah, Help for Future Leaders and Lightway Church.
9. **ADJOURN MEETING.** The next regularly scheduled Board of Directors Meeting will be on August 12, 2020 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

MINUTES OF June 10, 2020
1:30 p.m.

President Corneille called the meeting of the Board of Directors to order at 1:30 p.m. by teleconference and Zoom meeting; all those in attendance stood for the pledge of allegiance led by Director Raley.

ROLL CALL:

BOARD MEMBERS PRESENT:

Richard Corneille, President
Melody McDonald, Vice President
David E. Raley, Director
Robert Stewart, Director
John Longville, Director

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker

STAFF PRESENT:

Daniel Cozad, General Manager
Athena Monge, Administrative Specialist
Betsy Miller, Land Resources Manager/Assistant General Manager
Erwin Fogerson, Senior Engineer/Project Manager
Katelyn Scholte, Assistant Engineer

GUESTS PRESENT:

T. Milford Harrison, San Bernardino Valley Municipal Water District
Clayton Larkins, Tetra Tech
David E. Smith, East Valley Water District

1. PUBLIC PARTICIPATION

President Corneille announced that any person present, who so desired, may make an oral presentation to the Board of Directors. There being none, the meeting continued with the posted agenda items.

2. ADDITIONS/DELETIONS TO AGENDA

There were none.

3. CONSENT CALENDAR

It was moved by Vice President McDonald and seconded by Director Longville to approve the Consent Calendar: Item A: Board Minutes, May 27, 2020, and Item B: Expenditure Report, May 2020. The motion carried 5-0 with all Board members present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

4. COMMITTEE REPORTS/ACTION ITEMS

A. UNAUDITED FINANCIAL REPORTS, MAY 2020

Mr. Cozad introduced this item for discussion, noting its inclusion on package pages 19 to 25. Vice President McDonald drew attention to package page 24, general ledger 6401-Directors Fees noting that the director's fees are \$24,000 under budget.

It was moved by Vice President McDonald and seconded by Director Stewart to approve the Unaudited Financial Reports for May 2020. The motion carried 5-0 with all Board members present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

B. CSDA BOARD ELECTIONS FOR 2021-2023

President Corneille introduced this item for discussion. He proposed supporting Ron Coats from East Valley Water District.

It was moved by President Corneille and seconded by Vice President McDonald to vote for Ron Coats of East Valley Water District for the CSDA Board Elections for 2021-2023. The motion carried 5-0 with all Board members present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

5. INFORMATION ITEMS

A. WASH PLAN VERBAL UPDATE

Ms. Miller provided a verbal update. She said that Monday, June 15, would be the end of the 30 day waiting period for NEPA comments on the Final EIS. The District may receive additional comments until then. Staff has been meeting with and providing further details to the USEPA in response to their requests. Ms. Miller thanked Ms. Scholte for quickly pulling the data together so we could provide prompt responses to their comments. Staff is working on finalizing the CEQA approval materials and thanked Mr. Cosgrove for his support on this item. Ms. Miller anticipates approval of the HCP and related CEQA/NEPA documents at the July Board meeting. President Corneille suggested having a celebration once the HCP is fully approved. Director Stewart asked if the EPA sends additional requests beyond what staff has already responded to if it is our obligation to reply or to take additional actions. Ms. Miller said that USFWS is the primary contact for the EPA; materials have been given to the EPA and it is likely that any additional responses would be included in the USFWS record of decision that will be published in the Federal Register.

B. GENERAL MANAGER'S REPORT AND MONTHLY RECHARGE REPORT

Mr. Cozad indicated that the written General Manager's Report was included in the Board package on pages 37 through 39. The Monthly Recharge Report was included on package page 41. Staff signed the Safe Harbor Agreement from CDFW for the Plunge Creek Conservation Project. There are some requirements such as fencing included in the permit and Erwin is working to minimize those costs. Staff will continue to work from home through at least the end of the month. President Corneille asked what the results were of the Mineral Potential Report. Mr. Cozad said that it is an element of the appraisal, and it shows what quantities of aggregate are available on the land transferred between the federal government and the District. President Corneille asked about item 14, where it indicates that Lifeway Church requires permits. Mr. Cozad said that they need additional permitting to obtain their business license, and they also need to add another bathroom; they are working obtaining these permits. Vice President McDonald inquired about the payment assistance plan the District offered to the tenants. Mr. Cozad will confirm with staff and bring this back to the Board. Director Raley asked for additional information related to the Exchange Plan and SAR generation divestiture. Mr. Cozad said that the SAR-MC Committee consultant is working on the final draft of the agreement, and there are negotiations ongoing with SCE. Staff thanked Valley Municipal for their support with this item. This item was received and filed.

C. FUTURE AGENDA ITEMS AND STAFF TASKS

President Corneille would like an update from the Outreach & Communications Committee. Mr. Cozad indicated that as soon as staff has additional information for the Committee to review, they will set up a Committee meeting, likely in August. Director Longville asked for staff to provide an update on the Landscaping Watering Project near the I-10, operated by CalTrans.

6. MONTHLY BOARD MEMBER MEETING REPORTS, AND/OR BOARD MEMBER COMMENTS

President Corneille attended the Basin Technical Advisory Commission (BTAC) on June 1 and met with Valley Municipal General Manager on June 3 regarding the Advisory Commission to be held on July 16. He completed his Sexual Harassment Prevention Training via webinar on June 3 and attended a webinar on "Leadership During Turbulent Times" on June 5.

Director Raley attended Valley Municipal's Wages, Benefits & Insurance Workshop on May 28, Valley Resources Workshop on June 4 and Valley Budget Workshop on June 8.

Vice President McDonald attended the BTAC meeting on June 1, Valley Resources Workshop on June 4, Valley Municipal Board meeting on June 2 and ACWA State Legislative Committee on June 5. She attended the Valley Budget Workshop on June 8 and Valley Engineering Workshop on June 9.

Director Stewart attended the BTAC meeting on June 1.

Director Longville completed the Sexual Harassment Prevention Training via webinar on June 3.

7. UPCOMING MEETINGS

The Advisory Commission meeting will be held on June 16 at 6:30 pm. via zoom.

8. CLOSED SESSION

It was moved by Vice President McDonald and seconded by Director Longville to adjourn to Closed Session. The motion carried with all directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Aranda: Yes**

General Counsel announced that the meeting would adjourn to closed session under item 2 posted on the published agenda.

At 2:50 p.m., the meeting reconvened into Open Session. Mr. Cosgrove noted while in Closed Session under Government Code section 54957.1 that there was no reportable action.

9. ADJOURN MEETING

It was moved by Director Longville and seconded by Director Raley to adjourn. The motion carried 5-0 with all Directors present voting in the affirmative.

**President Corneille: Yes
Vice President McDonald: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

At 2:51 p.m., the meeting adjourned to the Board meeting scheduled for 1:30 p.m. on July 8, 2020, location to be determined.

Daniel B. Cozad
General Manager

San Bernardino Valley Water Conservation District
Expenditure Report
June 2020

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Original Amount</u>
PC 06.03.20	06/03/2020	Paychex	1012 · Citizens Busine...		-91.30
			6042 · Payroll Processing	4-General Fund Ent.	91.30
TOTAL					91.30
PC 06.17.20	06/17/2020	Paychex	1012 · Citizens Busine...		-91.30
			6042 · Payroll Processing	4-General Fund Ent.	91.30
TOTAL					91.30
22377	06/10/2020	Aaron Pederson	1012 · Citizens Busine...		-35.00
	05/31/2020		6018 · Janitorial Services	4-General Fund Ent.	35.00
TOTAL					35.00
22378	06/10/2020	ACWA/JPIA-Health	1012 · Citizens Busine...		-18,743.67
	06/03/2020		6110 · Vision Insurance	4-General Fund Ent.	27.68
			6110 · Vision Insurance	1-Groundwater Ent.	95.82
			6110 · Vision Insurance	2-Redlands Plaza/...	8.52
			6110 · Vision Insurance	3-Land Resources	21.29
			6110 · Vision Insurance	5-Wash Plan	14.91
			6110 · Vision Insurance	6-Active Recharge ...	44.72
			6130 · Dental Insurance	4-General Fund Ent.	109.43
			6130 · Dental Insurance	1-Groundwater Ent.	378.79
			6130 · Dental Insurance	2-Redlands Plaza/...	33.67
			6130 · Dental Insurance	3-Land Resources	84.18
			6130 · Dental Insurance	5-Wash Plan	58.92
			6130 · Dental Insurance	6-Active Recharge ...	176.77
			6150 · Medical Insurance	4-General Fund Ent.	2,299.56
			6150 · Medical Insurance	1-Groundwater Ent.	7,960.04
			6150 · Medical Insurance	2-Redlands Plaza/...	707.56
			6150 · Medical Insurance	3-Land Resources	1,768.90
			6150 · Medical Insurance	5-Wash Plan	1,238.23
			6150 · Medical Insurance	6-Active Recharge ...	3,714.68
TOTAL					18,743.67
22379	06/10/2020	American Power Security	1012 · Citizens Busine...		-720.00
	05/31/2020		6026 · Redlands Plaza ...	2-Redlands Plaza/...	720.00
TOTAL					720.00
22380	06/10/2020	Big Bear Municipal Wat...	1012 · Citizens Busine...		-8,417.77
	05/27/2020		5125 · Engineering Ser...	1-Groundwater Ent.	8,417.77
TOTAL					8,417.77
22381	06/10/2020	Brownstein Hyatt Farbe...	1012 · Citizens Busine...		-15,375.00
	06/05/2020		5122 · Wash Plan Profe...	5-Wash Plan	15,375.00
TOTAL					15,375.00

San Bernardino Valley Water Conservation District
Expenditure Report
June 2020

Num	Date	Name	Account	Class	Original Amount
22382	06/10/2020	Castro Landscaping Se...	1012 · Citizens Busine...		-250.00
	05/30/2020		6026 · Redlands Plaza ...	2-Redlands Plaza/...	250.00
TOTAL					250.00
22383	06/10/2020	Day Lite Maintenance, I...	1012 · Citizens Busine...		-54.51
	05/19/2020		6026 · Redlands Plaza ...	2-Redlands Plaza/...	54.51
TOTAL					54.51
22384	06/10/2020	Edison - 8812	1012 · Citizens Busine...		-161.34
	06/02/2020		5420 · Electricity	4-General Fund Ent.	45.18
			5420 · Electricity	1-Groundwater Ent.	32.27
			5420 · Electricity	2-Redlands Plaza/...	83.89
TOTAL					161.34
22385	06/10/2020	Edison - Redlands Plaza	1012 · Citizens Busine...		-208.53
	06/02/2020		6026 · Redlands Plaza ...	2-Redlands Plaza/...	208.53
TOTAL					208.53
22386	06/10/2020	Empire Disposal	1012 · Citizens Busine...		-167.81
	05/31/2020		5460 · Water / Trash / S...	4-General Fund Ent.	83.91
			5460 · Water / Trash / S...	1-Groundwater Ent.	67.12
			5460 · Water / Trash / S...	3-Land Resources	16.78
TOTAL					167.81
22387	06/10/2020	Frontier-4860	1012 · Citizens Busine...		-478.42
	05/28/2020		5440 · Telephone	4-General Fund Ent.	233.40
			5440 · Telephone	1-Groundwater Ent.	100.03
			5470 · Internet Services	4-General Fund Ent.	72.50
			5470 · Internet Services	1-Groundwater Ent.	43.50
			5470 · Internet Services	2-Redlands Plaza/...	7.25
			5470 · Internet Services	3-Land Resources	21.74
TOTAL					478.42
22388	06/10/2020	Frontier-7275	1012 · Citizens Busine...		-153.74
	05/19/2020		5440 · Telephone	4-General Fund Ent.	55.12
			5440 · Telephone	1-Groundwater Ent.	23.63
			5470 · Internet Services	4-General Fund Ent.	37.50
			5470 · Internet Services	1-Groundwater Ent.	22.50
			5470 · Internet Services	2-Redlands Plaza/...	3.75
			5470 · Internet Services	3-Land Resources	11.24
TOTAL					153.74

San Bernardino Valley Water Conservation District
Expenditure Report
June 2020

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Original Amount</u>
22389	06/10/2020	Home Depot Credit Ser...	1012 · Citizens Busine...		-577.24
	05/28/2020		5210 · Equipment Maint...	1-Groundwater Ent.	225.95
			5215 · Property Mainten...	1-Groundwater Ent.	229.07
			5215 · Property Mainten...	3-Land Resources	57.27
			5310 · Vehicle Mainten...	1-Groundwater Ent.	64.95
TOTAL					577.24
22390	06/10/2020	Image Source	1012 · Citizens Busine...		-791.56
	04/13/2020		6033 · Office Equipmen...	4-General Fund Ent.	361.16
			6033 · Office Equipmen...	1-Groundwater Ent.	24.08
			6033 · Office Equipmen...	2-Redlands Plaza/...	72.24
			6033 · Office Equipmen...	3-Land Resources	24.08
			6033 · Office Equipmen...	4-General Fund Ent.	232.50
			6033 · Office Equipmen...	1-Groundwater Ent.	15.50
			6033 · Office Equipmen...	2-Redlands Plaza/...	46.50
			6033 · Office Equipmen...	3-Land Resources	15.50
TOTAL					791.56
22391	06/10/2020	JAN-PRO Cleaning Sys...	1012 · Citizens Busine...		-700.00
	06/01/2020		6018 · Janitorial Services	4-General Fund Ent.	700.00
TOTAL					700.00
22392	06/10/2020	Lowe's Companies, Inc.	1012 · Citizens Busine...		-123.31
	05/25/2020		5210 · Equipment Maint...	1-Groundwater Ent.	44.72
			5215 · Property Mainten...	1-Groundwater Ent.	62.87
			5215 · Property Mainten...	3-Land Resources	15.72
TOTAL					123.31
22393	06/10/2020	Manuel Colunga	1012 · Citizens Busine...		-11.83
	06/05/2020		5215 · Property Mainten...	1-Groundwater Ent.	9.46
			5215 · Property Mainten...	3-Land Resources	2.37
TOTAL					11.83
22394	06/10/2020	Michael Guizar	1012 · Citizens Busine...		-32.30
	05/28/2020		5215 · Property Mainten...	1-Groundwater Ent.	25.84
			5215 · Property Mainten...	3-Land Resources	6.46
TOTAL					32.30
22395	06/10/2020	Mikael Romich	1012 · Citizens Busine...		-14,919.08
	06/02/2020		5120 · Misc. Profession...	4-General Fund Ent.	3,562.67
			5120 · Misc. Profession...	1-Groundwater Ent.	2,493.87
			5120 · Misc. Profession...	3-Land Resources	5,819.02
			5120 · Misc. Profession...	4-General Fund Ent.	913.06
			5120 · Misc. Profession...	1-Groundwater Ent.	639.14
			5120 · Misc. Profession...	3-Land Resources	1,491.32
TOTAL					14,919.08

San Bernardino Valley Water Conservation District
Expenditure Report
June 2020

Num	Date	Name	Account	Class	Original Amount
22396	06/10/2020	Nossaman LLP	1012 · Citizens Busine...		-591.50
	05/27/2020		5120 · Misc. Profession...	4-General Fund Ent.	177.44
			5120 · Misc. Profession...	1-Groundwater Ent.	124.22
			5120 · Misc. Profession...	3-Land Resources	289.84
TOTAL					591.50
22397	06/10/2020	ReadyRefresh by Nestle	1012 · Citizens Busine...		-102.71
	05/26/2020		5460 · Water / Trash / S...	4-General Fund Ent.	51.36
			5460 · Water / Trash / S...	1-Groundwater Ent.	41.08
			5460 · Water / Trash / S...	3-Land Resources	10.27
TOTAL					102.71
22398	06/10/2020	Redlands Plumbing, Inc.	1012 · Citizens Busine...		-155.00
	05/21/2020		6016 · Redlands Plaza ...	2-Redlands Plaza/...	155.00
TOTAL					155.00
22399	06/10/2020	Terminix	1012 · Citizens Busine...		-81.00
	05/14/2020		6026 · Redlands Plaza ...	2-Redlands Plaza/...	81.00
TOTAL					81.00
22400	06/10/2020	WEX Bank-Shell	1012 · Citizens Busine...		-354.01
	06/06/2020		5320 · Fuel	1-Groundwater Ent.	354.01
TOTAL					354.01
22401	06/10/2020	Wilbur's	1012 · Citizens Busine...		-455.09
	05/20/2020		5215 · Property Mainten...	1-Groundwater Ent.	364.07
			5215 · Property Mainten...	3-Land Resources	91.02
TOTAL					455.09
22402	06/23/2020	Bob's Plumbing	1012 · Citizens Busine...		-105.00
	06/17/2020		6012 · Office Maintenan...	4-General Fund Ent.	42.00
			6012 · Office Maintenan...	2-Redlands Plaza/...	63.00
TOTAL					105.00
22403	06/23/2020	Citizens Business Bank	1012 · Citizens Busine...		-1,404.91
	06/10/2020		5210 · Equipment Maint...	1-Groundwater Ent.	295.35
			5215 · Property Mainten...	1-Groundwater Ent.	86.50
			5215 · Property Mainten...	3-Land Resources	21.63
			6001 · General Adminis...	4-General Fund Ent.	249.98
			6001 · General Adminis...	1-Groundwater Ent.	249.97
			6002 · Website Adminis...	4-General Fund Ent.	365.00
			6060 · Outreach	4-General Fund Ent.	3.24
			6060 · Outreach	1-Groundwater Ent.	1.30
			6060 · Outreach	3-Land Resources	1.94
			6435 · Conf/Seminar R...	4-General Fund Ent.	130.00
TOTAL					1,404.91

San Bernardino Valley Water Conservation District
Expenditure Report
June 2020

Num	Date	Name	Account	Class	Original Amount
22404	06/23/2020	City of Redlands -Muni...	1012 · Citizens Busine...		-1,754.86
	06/11/2020		6026 · Redlands Plaza ...	2-Redlands Plaza/...	1,754.86
TOTAL					1,754.86
22405	06/23/2020	Edison - 5552	1012 · Citizens Busine...		-237.23
	06/10/2020		5420 · Electricity	4-General Fund Ent.	66.42
			5420 · Electricity	1-Groundwater Ent.	47.45
			5420 · Electricity	2-Redlands Plaza/...	123.36
TOTAL					237.23
22406	06/23/2020	Edison - 7241	1012 · Citizens Busine...		-41.76
	06/11/2020		5420 · Electricity	4-General Fund Ent.	11.69
			5420 · Electricity	1-Groundwater Ent.	8.35
			5420 · Electricity	2-Redlands Plaza/...	21.72
TOTAL					41.76
22407	06/23/2020	ICF Jones & Stokes, Inc	1012 · Citizens Busine...		-880.00
	06/17/2020		5124 · Plunge Creek Pr...	3-Land Resources	880.00
TOTAL					880.00
22408	06/23/2020	JAN-PRO Cleaning Sys...	1012 · Citizens Busine...		-700.00
	04/01/2020		6018 · Janitorial Services	4-General Fund Ent.	700.00
TOTAL					700.00
22409	06/23/2020	Netsteller	1012 · Citizens Busine...		-1,010.76
	06/10/2020		5160 · IT Support	4-General Fund Ent.	180.00
			5160 · IT Support	1-Groundwater Ent.	225.00
			5160 · IT Support	3-Land Resources	45.00
			6030 · Office Supplies	4-General Fund Ent.	448.60
			6030 · Office Supplies	1-Groundwater Ent.	28.04
			6030 · Office Supplies	2-Redlands Plaza/...	56.08
			6030 · Office Supplies	3-Land Resources	28.04
TOTAL					1,010.76
22410	06/23/2020	Redlands Ford-Ken Gr...	1012 · Citizens Busine...		-1,179.85
	06/09/2020		5310 · Vehicle Mainten...	1-Groundwater Ent.	1,179.85
TOTAL					1,179.85
22411	06/23/2020	ThunderWheel Commu...	1012 · Citizens Busine...		-5,581.25
	06/02/2020		6060 · Outreach	4-General Fund Ent.	1,953.44
			6060 · Outreach	1-Groundwater Ent.	1,395.31
			6060 · Outreach	3-Land Resources	1,855.77
			6060 · Outreach	5-Wash Plan	376.73
TOTAL					5,581.25

San Bernardino Valley Water Conservation District Expenditure Report June 2020

Num	Date	Name	Account	Class	Original Amount
22412	06/23/2020	U.S. Bank Equipment F...	1012 · Citizens Busine...		-336.18
	06/10/2020		6033 · Office Equipmen...	4-General Fund Ent.	252.13
			6033 · Office Equipmen...	1-Groundwater Ent.	16.81
			6033 · Office Equipmen...	2-Redlands Plaza/...	50.43
			6033 · Office Equipmen...	3-Land Resources	16.81
TOTAL					336.18
100250N	06/03/2020	PERS	1012 · Citizens Busine...		-11,210.11
			6170 · PERS Retirement	4-General Fund Ent.	1,457.32
			6170 · PERS Retirement	1-Groundwater Ent.	5,044.55
			6170 · PERS Retirement	2-Redlands Plaza/...	448.40
			6170 · PERS Retirement	3-Land Resources	1,121.01
			6170 · PERS Retirement	5-Wash Plan	2,354.12
			6170 · PERS Retirement	6-Active Recharge ...	784.71
TOTAL					11,210.11
100251N	06/08/2020	PERS	1012 · Citizens Busine...		-10,013.46
			6170 · PERS Retirement	4-General Fund Ent.	1,301.75
			6170 · PERS Retirement	1-Groundwater Ent.	4,506.05
			6170 · PERS Retirement	2-Redlands Plaza/...	400.54
			6170 · PERS Retirement	3-Land Resources	1,001.35
			6170 · PERS Retirement	5-Wash Plan	2,102.83
			6170 · PERS Retirement	6-Active Recharge ...	700.94
TOTAL					10,013.46
100252N	06/17/2020	PERS	1012 · Citizens Busine...		-10,013.46
			6170 · PERS Retirement	4-General Fund Ent.	1,301.75
			6170 · PERS Retirement	1-Groundwater Ent.	4,506.05
			6170 · PERS Retirement	2-Redlands Plaza/...	400.54
			6170 · PERS Retirement	3-Land Resources	1,001.35
			6170 · PERS Retirement	5-Wash Plan	2,102.83
			6170 · PERS Retirement	6-Active Recharge ...	700.94
TOTAL					10,013.46

San Bernardino Valley Water Conservation District
Director Fees Expenditure Payroll Report
 June 2020

Pay Date	Name	For Period	Director Fees	Taxes Withheld	Check Amt
6/3/2020	Corneille, R	May-20	\$ 924.00	\$ 93.47	\$ 830.53
6/3/2020	McDonald, M	May-20	\$ 2,310.00	\$ 273.27	\$ 2,036.73
6/3/2020	Stewart, B	Aug 19, Feb-Apr 20	\$ 2,298.00	\$ 456.82	\$ 1,841.18
6/17/2020	McDonald, M	Jun-20	\$ 1,848.00	\$ 181.19	\$ 1,666.81
6/17/2020	Raley, D.	Mar-Apr 20	\$ 3,465.00	\$ 852.48	\$ 2,612.52
6/30/2020	McDonald, M	Jun-20	\$ 462.00	\$ 39.96	\$ 422.04



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water

Memorandum No. 1726

To: Board of Directors
From: General Manager, Daniel Cozad
Date: July 08, 2020
Subject: Unaudited Financial Reports, June 2020

RECOMMENDATION

Review and approve the unaudited financials for June 2020.

BACKGROUND AND DISCUSSION

Financials presented are as of June 30, 2020. Final adjustments and accruals made for fiscal year-end closing will be made and presented with the audited financials in August or September 2020.

DISCUSSION

All revenue sources are at or above budget for 2019-2020. The Exchange Plan has been invoiced, and CEMEX's June payments are expected this month. Exchange Plan revenue is higher than normal due to Exchange Plan member payments to update the Exchange Plan Agreement. These payments offset expenses to Miscellaneous Professional Services for the work completed by Water Systems Consulting, Inc.

Groundwater, Redlands Plaza and Land Enterprises have spent less than their revenue, and these will be credited to reserves at the end of the fiscal year. The Wash Plan Enterprises is spending approved fund advancement (loan) from the District.

Net position for the agency before all Audit accruals: total available cash in reserves was \$19,995,944 as of July 1, 2019, and \$20,154,377 on June 30, 2020, an increase of \$158,433. Approximately \$345,779 has been expended toward Capital for Mill Creek Diversion Project but is being held in Work in Progress account which will affect reserve balances upon completion. This report represents the final cash based financials as additional accruals will be made and shown in the Audited Financials presented as part of the Audit. The financials are attached for Board review and approval.

FISCAL IMPACT

There is no fiscal impact from reporting the financial status of the District.

**BOARD OF
DIRECTORS**

Division 1:
Richard Corneille

Division 2:
David E. Raley

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

**GENERAL
MANAGER**

Daniel B. Cozad

POTENTIAL MOTIONS

1. Move approval of the Unaudited Financials for June 2020 as presented.
2. Move to request this item be tabled and referred to Finance & Administration Committee for reconsideration of specific issues discussed.

ATTACHMENTS OR MATERIALS

Graph Financials for June 2020

Profit & Loss to Date vs. Annual Budget

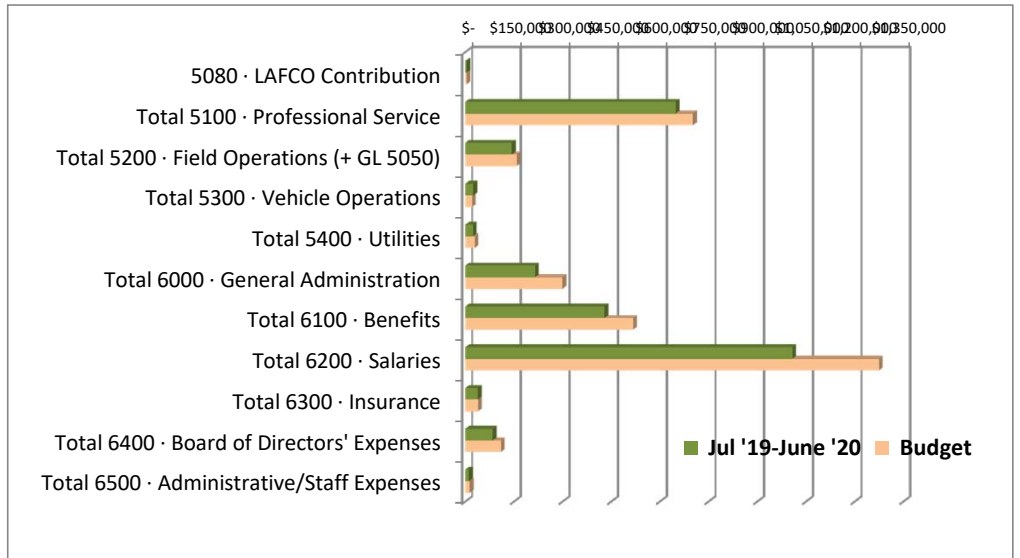
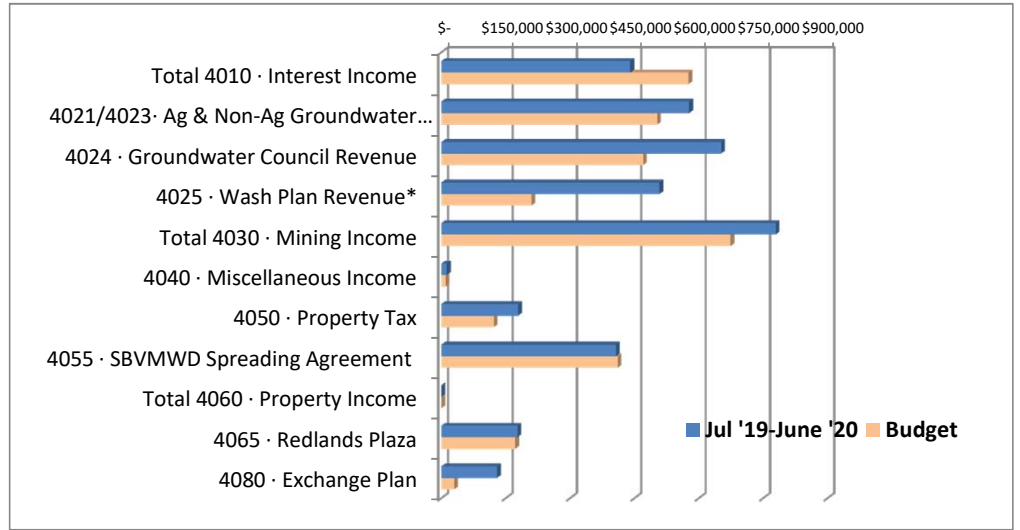
SBVWCD - All Enterprises Budget and Actual

June 2020

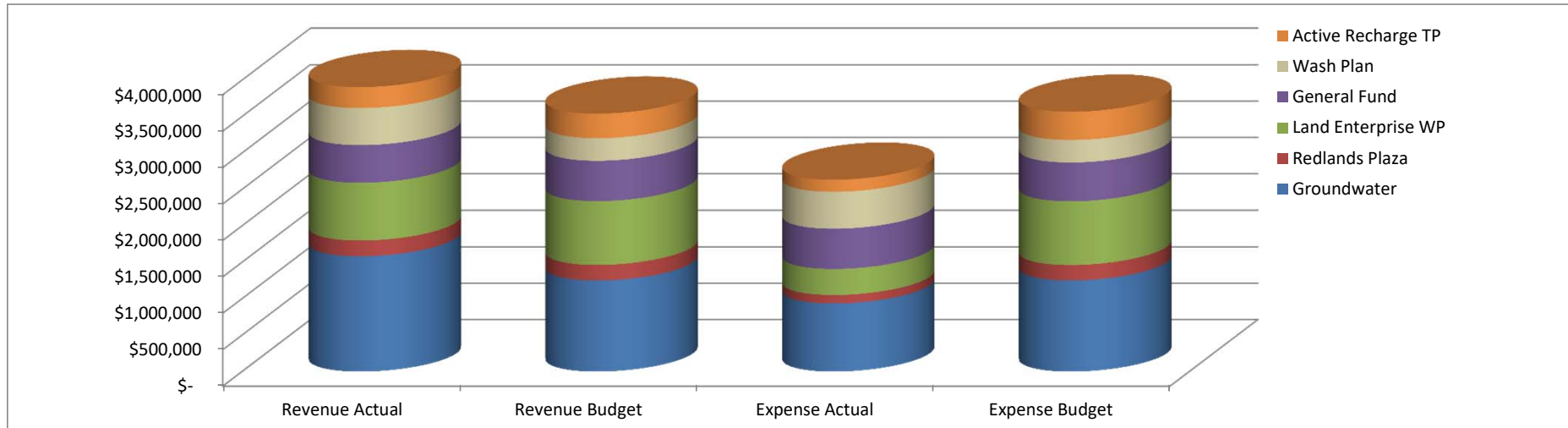
REVENUE	Jul '19-June '20	Budget
Total 4010 · Interest Income	\$ 440,653	\$ 576,043
4021/4023 · Ag & Non-Ag Groundwater Charge	\$ 577,733	\$ 502,859
4024 · Groundwater Council Revenue	\$ 652,052	\$ 470,000
4025 · Wash Plan Revenue*	\$ 508,315	\$ 210,000
Total 4030 · Mining Income	\$ 779,088	\$ 674,000
4040 · Miscellaneous Income	\$ 12,664	\$ 10,000
4050 · Property Tax	\$ 179,118	\$ 122,145
4055 · SBVMWD Spreading Agreement	\$ 407,062	\$ 411,014
Total 4060 · Property Income	\$ 100	\$ 100
4065 · Redlands Plaza	\$ 177,271	\$ 172,108
4080 · Exchange Plan	\$ 130,004	\$ 30,000
Total Revenue	\$ 3,864,060	\$ 3,178,269

*District loans to the WP

EXPENSES Operating and Capital	Jul '19-June '20	Budget
5080 · LAFCO Contribution	\$ 3,952	\$ 4,000
Total 5100 · Professional Service	\$ 649,141	\$ 702,155
Total 5200 · Field Operations (+ GL 5050)	\$ 143,818	\$ 158,365
Total 5300 · Vehicle Operations	\$ 25,125	\$ 20,500
Total 5400 · Utilities	\$ 23,605	\$ 28,989
Total 6000 · General Administration	\$ 215,152	\$ 299,478
Total 6100 · Benefits	\$ 429,063	\$ 517,528
Total 6200 · Salaries	\$ 1,007,818	\$ 1,274,676
Total 6300 · Insurance	\$ 38,734	\$ 39,300
Total 6400 · Board of Directors' Expenses	\$ 84,740	\$ 109,844
Total 6500 · Administrative/Staff Expenses	\$ 11,497	\$ 13,391
Total Expense	\$ 2,632,646	\$ 3,168,228



Enterprises to Date (June 2020)



Enterprise	Actual	Budget	% of Budget
Groundwater Revenue	\$ 1,583,673	\$ 1,251,139	127%
Groundwater Expense	\$ 935,256	\$ 1,250,466	75%
Revenue -Expense	\$ 648,416	\$ 673	
Redlands Plaza Revenue	\$ 215,243	\$ 212,400	101%
Redlands Plaza Expense	\$ 115,553	\$ 211,082	55%
Revenue -Expense	\$ 99,690	\$ 1,319	
Land Enterprise Revenue	\$ 792,639	\$ 876,500	90%
Land Enterprise Expense	\$ 358,008	\$ 876,021	41%
Revenue -Expense	\$ 434,631	\$ 479	
General Fund Revenue *	\$ 516,969	\$ 553,145	93%
General Fund Expense	\$ 551,669	\$ 531,202	104%
Revenue -Expense	\$ (34,701)	\$ 21,942	
Wash Plan Revenue	\$ 508,315	\$ 310,000	164%
Wash Plan Expense	\$ 507,081	\$ 309,905	164%
Revenue-Expense	1,234	95	
Active Recharge TP Revenue	\$ 288,246	\$ 337,500	85%
Active Recharge TP Expense	\$ 165,977	\$ 386,918	43%
Revenue-Expense	\$ 122,270	\$ (49,418)	
Total All Revenue - Expense	\$ 1,271,541	\$ (24,909)	

Cash Status	As of 7/1/2019	As of 06/30/20
LAIF	\$ 112,923.24	\$ 128,186.22
Cal Trust	\$ 3,132,394.79	\$ 3,213,064.41
Citizens Bank	\$19,604,190.64	\$ 904,498.58
UBS Financial Services	\$ 1,892,700.47	\$ 1,925,315.82
Cal Credit Union	\$ 253,734.81	\$ 257,565.81
US Bank-CAMP	0	\$ 18,725,746.48
Total Cash	\$24,995,943.95	\$ 25,154,377.32
Less Prepaid Royalty	\$ (5,000,000.00)	\$ (5,000,000.00)
Less ARTP obligation	\$ (18,437,500.0)	\$ (18,563,771.93)
Cash Position	\$ 1,558,443.95	\$ 1,590,605.39

Increase (decrease) of \$32,161.44
Percent Increase 2.1%

* General Fund Revenue shown here does not include overhead

San Bernardino Valley Water Conservation District
Profit & Loss To Date vs. Annual Budget

	<u>Jul '19 - Jun 20</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
4010 · Interest Income				
4012 · LAIF	2,135.31	20,000.00	-17,864.69	10.68%
4013 · Caltrust Investment Income	80,669.62	66,443.10	14,226.52	121.41%
4014 · CalCredit Union Interest Income	3,831.00	3,600.00	231.00	106.42%
4015 · UBS Interest Income	65,770.83	36,000.00	29,770.83	182.7%
4016 · Interest Income ARTP	288,246.48	450,000.00	-161,753.52	64.06%
Total 4010 · Interest Income	440,653.24	576,043.10	-135,389.86	76.5%
4020 · Groundwater Charge				
4021 · Assessments - Ag	117,172.03	97,028.35	20,143.68	120.76%
4023 · Assessments - Non-Ag	460,560.77	405,830.40	54,730.37	113.49%
4024 · Groundwater Council Revenue	652,052.00	470,000.00	182,052.00	138.73%
Total 4020 · Groundwater Charge	1,229,784.80	972,858.75	256,926.05	126.41%
4025 · Wash Plan Revenue	508,314.99	210,000.00	298,314.99	242.06%
4030 · Mining Income				
4031 · Plant Site - CEMEX	48,000.00	48,000.00	0.00	100.0%
4032 · Cemex - Royalty / Lease	664,278.29	586,000.00	78,278.29	113.36%
4036 · Aggregate Maintenance	66,809.60	40,000.00	26,809.60	167.02%
Total 4030 · Mining Income	779,087.89	674,000.00	105,087.89	115.59%
4040 · Miscellaneous Income				
4041 · Reimbursed Expenses	880.08	0.00	880.08	100.0%
4040 · Miscellaneous Income - Other	11,783.63	10,000.00	1,783.63	117.84%
Total 4040 · Miscellaneous Income	12,663.71	10,000.00	2,663.71	126.64%
4050 · Property Tax	179,118.25	122,145.33	56,972.92	146.64%
4055 · SBVMWD Spreading Agreement Reim	407,061.64	411,013.69	-3,952.05	99.04%
4060 · Property Income				
4062 · Mentone Property	100.00	100.00	0.00	100.0%
Total 4060 · Property Income	100.00	100.00	0.00	100.0%
4065 · Redlands Plaza	177,271.36	172,108.19	5,163.17	103.0%
4066 · Redlands Plaza CAM	37,341.56	40,191.90	-2,850.34	92.91%
4080 · Exchange Plan	130,004.00	30,000.00	100,004.00	433.35%
4086 · Plunge Creek IRWMP	3,683.53	200,000.00	-196,316.47	1.84%
4998 · Rate Stabilization From Reserve	0.00	22,223.00	-22,223.00	0.0%
4999 · Trust Reimbursement-Wash Plan	0.00	100,000.00	-100,000.00	0.0%
Total Income	3,905,084.97	3,540,683.96	364,401.01	110.29%
Gross Profit	3,905,084.97	3,540,683.96	364,401.01	110.29%
Expense				
5040 · Regional Programs				
5080 · LAFCO Contribution	3,951.62	4,000.00	-48.38	98.79%
Total 5040 · Regional Programs	3,951.62	4,000.00	-48.38	98.79%
5050 · Basin Cleaning	56,392.00	50,000.00	6,392.00	112.78%
5100 · Professional Service				
5120 · Misc. Professional Services	198,829.96	130,000.00	68,829.96	152.95%
5122 · Wash Plan Professional Services	209,428.69	30,000.00	179,428.69	698.1%
5123 · Habitat Management-WP	0.00	120,000.00	-120,000.00	0.0%
5124 · Plunge Creek Prof Services	42,992.00	150,000.00	-107,008.00	28.66%
5125 · Engineering Services	8,417.77	18,000.00	-9,582.23	46.77%
5130 · Aerial Photography & Surveying	6,000.00	1,000.00	5,000.00	600.0%
5155 · WP Trails Professional Services	0.00	25,000.00	-25,000.00	0.0%
5160 · IT Support	4,950.00	7,000.00	-2,050.00	70.71%
5170 · Audit	23,260.00	26,155.00	-2,895.00	88.93%
5175 · Legal - Wash Plan	48,364.75	20,000.00	28,364.75	241.82%
5180 · Legal	106,897.75	175,000.00	-68,102.25	61.08%
Total 5100 · Professional Service	649,140.92	702,155.00	-53,014.08	92.45%
5133 · Regional River HCP Contribution	0.00	25,000.00	-25,000.00	0.0%
5200 · Field Operations				
5210 · Equipment Maintenance	8,741.86	6,365.40	2,376.46	137.33%
5215 · Property Maintenance	32,298.36	42,000.00	-9,701.64	76.9%
5225 · Field Clean Up-Illegal dumping	46,386.01	60,000.00	-13,613.99	77.31%
Total 5200 · Field Operations	87,426.23	108,365.40	-20,939.17	80.68%
5223 · Temp. Field Labor	898.32	11,000.00	-10,101.68	8.17%

San Bernardino Valley Water Conservation District
Profit & Loss To Date vs. Annual Budget

	<u>Jul '19 - Jun 20</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
5300 · Vehicle Operations				
5310 · Vehicle Maintenance	11,831.10	8,000.00	3,831.10	147.89%
5320 · Fuel	13,294.35	12,500.00	794.35	106.36%
Total 5300 · Vehicle Operations	25,125.45	20,500.00	4,625.45	122.56%
5400 · Utilities				
5410 · Alarm Service	1,204.00	1,500.00	-296.00	80.27%
5420 · Electricity	5,887.71	10,000.34	-4,112.63	58.88%
5430 · Mobile Phone	4,522.51	3,550.00	972.51	127.4%
5440 · Telephone	5,042.07	8,000.00	-2,957.93	63.03%
5450 · Natural Gas	976.14	986.59	-10.45	98.94%
5460 · Water / Trash / Sewer	3,286.66	2,300.00	986.66	142.9%
5470 · Internet Services	2,686.30	2,652.26	34.04	101.28%
Total 5400 · Utilities	23,605.39	28,989.19	-5,383.80	81.43%
6000 · General Administration				
6001 · General Administration - Other	5,637.48	4,500.00	1,137.48	125.28%
6002 · Website Administration	5,046.74	3,300.00	1,746.74	152.93%
6003 · Property Tax	0.00	235.10	-235.10	0.0%
6004 · Meeting Expenses	1,004.81	2,000.00	-995.19	50.24%
6006 · Permits	0.00	10,000.00	-10,000.00	0.0%
6007 · Inter District Costs	0.00	10,000.00	-10,000.00	0.0%
6009 · Licenses	1,542.30	1,300.00	242.30	118.64%
6010 · Surety Bond	3,025.00	1,900.00	1,125.00	159.21%
6012 · Office Maintenance	1,187.84	3,180.00	-1,992.16	37.35%
6013 · Office Lease Payment	60,000.00	60,000.00	0.00	100.0%
6015 · Mentone House Maintenance	2,208.24	5,000.00	-2,791.76	44.17%
6016 · Redlands Plaza Maintenance	10,993.65	40,000.00	-29,006.35	27.48%
6018 · Janitorial Services	10,129.08	9,108.89	1,020.19	111.2%
6019 · Janitorial Supplies	372.78	500.00	-127.22	74.56%
6020 · Vacancy Marketing-Redlands Plaz	11,355.96	5,500.00	5,855.96	206.47%
6026 · Redlands Plaza CAM expenses	31,412.74	29,355.00	2,057.74	107.01%
6027 · Computer Software	0.00	600.00	-600.00	0.0%
6030 · Office Supplies	5,061.56	3,750.67	1,310.89	134.95%
6033 · Office Equipment Rental	8,558.26	9,500.00	-941.74	90.09%
6036 · Printing	1,338.80	980.00	358.80	136.61%
6039 · Postage and Overnight Delivery	1,035.77	1,200.00	-164.23	86.31%
6042 · Payroll Processing	2,498.50	2,523.50	-25.00	99.01%
6045 · Bank Service Charges	175.00	2,575.00	-2,400.00	6.8%
6051 · Uniforms	1,511.09	2,200.00	-688.91	68.69%
6060 · Outreach	17,422.12	60,000.00	-42,577.88	29.04%
6087 · Educational Reimbursement	0.00	5,000.00	-5,000.00	0.0%
6090 · Subscriptions/Publications	1,805.53	1,210.00	595.53	149.22%
6091 · Public Notices	2,812.00	3,200.00	-388.00	87.88%
6093 · Memberships	29,017.11	20,860.20	8,156.91	139.1%
Total 6000 · General Administration	215,152.36	299,478.36	-84,326.00	71.84%
6100 · Benefits				
6110 · Vision Insurance	2,436.95	3,090.02	-653.07	78.87%
6120 · Workers' Comp. Insurance	15,377.43	18,908.65	-3,531.22	81.33%
6130 · Dental Insurance	9,715.29	13,265.60	-3,550.31	73.24%
6150 · Medical Insurance				
6150.01 · Medical Employee Contribution	-26,025.75	-30,960.10	4,934.35	84.06%
6150 · Medical Insurance - Other	197,064.24	237,140.37	-40,076.13	83.1%
Total 6150 · Medical Insurance	171,038.49	206,180.27	-35,141.78	82.96%
6160 · Payroll Taxes-Employer	70,001.99	89,947.99	-19,946.00	77.83%
6170 · PERS Retirement				
6170.01 · PERS Employee Contributions	-95,515.24	-44,370.29	-51,144.95	215.27%
6170 · PERS Retirement - Other	256,008.11	230,506.22	25,501.89	111.06%
Total 6170 · PERS Retirement	160,492.87	186,135.93	-25,643.06	86.22%
Total 6100 · Benefits	429,063.02	517,528.46	-88,465.44	82.91%
6200 · Salaries				
6230 · Regular Salaries	1,007,818.05	1,274,675.96	-266,857.91	79.07%
Total 6200 · Salaries	1,007,818.05	1,274,675.96	-266,857.91	79.07%
6300 · Insurance				
6310 · Property/ Auto Insurance	3,342.36	7,000.00	-3,657.64	47.75%
6320 · General Liability Insurance	35,391.18	32,300.00	3,091.18	109.57%
Total 6300 · Insurance	38,733.54	39,300.00	-566.46	98.56%

San Bernardino Valley Water Conservation District
Profit & Loss To Date vs. Annual Budget

	<u>Jul '19 - Jun 20</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
6400 · Board of Directors' Expenses				
6401 · Directors' Fees				
6401.5 · Payroll Taxes-Directors	8,097.73	0.00	8,097.73	100.0%
6401 · Directors' Fees - Other	69,720.07	90,344.10	-20,624.03	77.17%
Total 6401 · Directors' Fees	<u>77,817.80</u>	<u>90,344.10</u>	<u>-12,526.30</u>	<u>86.14%</u>
6410 · Mileage	1,618.54	4,000.00	-2,381.46	40.46%
6415 · Air Fare	427.60	2,500.00	-2,072.40	17.1%
6420 · Other Travel	105.00	500.00	-395.00	21.0%
6425 · Meals	1,566.26	3,500.00	-1,933.74	44.75%
6430 · Lodging	1,404.97	4,000.00	-2,595.03	35.12%
6435 · Conf/Seminar Registrations	1,800.00	5,000.00	-3,200.00	36.0%
6440 · Election Fees / Re-Districting	0.00	0.00	0.00	0.0%
Total 6400 · Board of Directors' Expenses	<u>84,740.17</u>	<u>109,844.10</u>	<u>-25,103.93</u>	<u>77.15%</u>
6500 · Administrative/Staff Expenses				
6510 · Mileage	528.11	1,800.00	-1,271.89	29.34%
6515 · Air Fare	2,386.32	2,000.00	386.32	119.32%
6520 · Travel, Other (rental car, taxi)	455.69	1,000.00	-544.31	45.57%
6525 · Meals	1,386.02	1,591.35	-205.33	87.1%
6530 · Lodging	831.18	3,000.00	-2,168.82	27.71%
6535 · Conf/Seminar Registrations	5,909.85	4,000.00	1,909.85	147.75%
Total 6500 · Administrative/Staff Expenses	<u>11,497.17</u>	<u>13,391.35</u>	<u>-1,894.18</u>	<u>85.86%</u>
9999 · Contribution to Capital Maint.	0.00	361,365.60	-361,365.60	0.0%
Total Expense	<u>2,633,544.24</u>	<u>3,565,593.42</u>	<u>-932,049.18</u>	<u>73.86%</u>
Net Ordinary Income	<u>1,271,540.73</u>	<u>-24,909.46</u>	<u>1,296,450.19</u>	<u>-5,104.65%</u>
Other Income/Expense				
Other Expense				
7000 · Construction				
7010 · Materials	0.00	18,000.00	-18,000.00	0.0%
7055 · Plunge Creek Expansion	0.00	362,957.00	-362,957.00	0.0%
Total 7000 · Construction	<u>0.00</u>	<u>380,957.00</u>	<u>-380,957.00</u>	<u>0.0%</u>
7100 · Land & Buildings				
7110 · Property Capital Repairs	156,967.00	304,000.00	-147,033.00	51.63%
7120 · Property-Land Purchase	39,241.00	0.00	39,241.00	100.0%
7126 · ARTP Engr/Prof Services	0.00	450,000.00	-450,000.00	0.0%
7130 · Mentone Property (House)-CapRep	0.00	25,000.00	-25,000.00	0.0%
7140 · Mentone Property (Shop)-CapRep	0.00	220,000.00	-220,000.00	0.0%
7150 · Mill Creek Diversion	0.00	446,068.00	-446,068.00	0.0%
7160 · Mendoza Property	0.00	137,000.00	-137,000.00	0.0%
Total 7100 · Land & Buildings	<u>196,208.00</u>	<u>1,582,068.00</u>	<u>-1,385,860.00</u>	<u>12.4%</u>
7200 · Equipment & Vehicles				
7210 · Computer Hardware-Capital Purch	0.00	5,000.00	-5,000.00	0.0%
7220 · Computer Software	11,077.00	10,000.00	1,077.00	110.77%
7230 · Field Equipment / Vehicles	75,018.91	145,000.00	-69,981.09	51.74%
7240 · Office Equipment	1,234.67	1,500.00	-265.33	82.31%
Total 7200 · Equipment & Vehicles	<u>87,330.58</u>	<u>161,500.00</u>	<u>-74,169.42</u>	<u>54.08%</u>
7400 · Professional Services Capital				
7438 · Engineering Services-Other	0.00	125,000.00	-125,000.00	0.0%
Total 7400 · Professional Services Capital	<u>0.00</u>	<u>125,000.00</u>	<u>-125,000.00</u>	<u>0.0%</u>
Total Other Expense	<u>283,538.58</u>	<u>2,249,525.00</u>	<u>-1,965,986.42</u>	<u>12.6%</u>
Net Other Income	<u>-283,538.58</u>	<u>-2,249,525.00</u>	<u>1,965,986.42</u>	<u>12.6%</u>
Net Income	<u><u>988,002.15</u></u>	<u><u>-2,274,434.46</u></u>	<u><u>3,262,436.61</u></u>	<u><u>-43.44%</u></u>



**San Bernardino Valley
Water Conservation District**

Helping Nature Store Our Water

Memorandum No. 1728

To: Board of Directors

From: Betsy Miller, Land Resources Manager/Assistant General Manager, and David Cosgrove, District Counsel

Date: July 8, 2020

Subject: Adoption of the Upper Santa Ana River Wash Habitat Conservation Plan and Certification of the Final Environmental Impact Statement/Supplemental Environmental Impact Report

RECOMMENDATION

Staff recommends that the Board:

- i. Certify that the Final Environmental Impact Statement/Supplemental Environmental Impact Report for the Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan, FWS-R8-ES-2019-N111 and SCH No. 2004051023, has been prepared in accordance with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), and that said report reflects the independent judgement of the San Bernardino Valley Water Conservation District as Lead Agency, and state for the record that the FEIS/SEIR has been reviewed and considered prior to approving the project
- ii. Adopt the Findings, Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program (MMRP) for the Final Environmental Impact Statement/Supplemental Environmental Impact Report Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan
- iii. Approve and adopt the Upper Santa Ana River Wash Habitat Conservation Plan
- iv. Authorize the General Manager to execute, on behalf of the District, any and all documents relating to the issuance of any Incidental Take Permits (State or Federal), other permits related to implementation of the Upper Santa Ana River Wash Habitat Conservation Plan, and any Implementation Agreement, Memoranda of Understanding, or Certificates of Inclusion in furtherance of such plan.
- v. Approve Resolution No. 579 approving the Upper Santa Ana Wash Habitat Conservation Plan and Certifying the Final Environmental Impact Statement/Supplemental Environmental Impact Report prepared therefor and making certain findings relative thereto.

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OVERVIEW

The Upper Santa Ana River Wash Habitat Conservation Plan (Wash Plan) is the culmination of over two decades of coordination among local partners to develop an integrated approach to permit and mitigate critical projects while conserving rare species that rely on habitat within the Wash for survival. To achieve these goals, the San Bernardino Valley Water Conservation District (Conservation District) led development of the Wash Plan, a federal Habitat Conservation Plan which provides permits for Covered Activities under Section 10(a)1(B) of the Federal Endangered Species Act of 1973, as amended. If approved, the Wash Plan would provide an incidental take permit for 30 years, including assurances provided under the “No Surprises” rule at 50 CFR 17.3, 17.22(b)(5), and 17.32(b)(5), for five Covered Species: the federally endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*, SBKR), Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*, woolly-star), slender-horned spineflower (*Dodecahema leptoceras*, spineflower); the federally threatened coastal California gnatcatcher (*Polioptila californica californica*, gnatcatcher); and cactus wren (*Campylorhynchus brunneicapillus*). Covered Activities include maintenance and construction projects in the following categories: aggregate mining, water conservation, wells and water infrastructure, transportation, flood control, trails, agriculture, and habitat enhancement and monitoring.

The Wash Plan boundary (Plan Area) encompasses approximately 4,892.2 acres extending approximately 6 miles westward from Greenspot Road in the City of Highland to Alabama Street in the City of Redlands. Greenspot Road forms the northern and eastern boundary of the Plan Area and the bluffs on the south side of the Santa Ana River generally form the southern boundary. It includes reaches of Mill and Plunge Creeks and the Santa Ana River and the upland areas in between them. Existing land uses in the Plan Area consist of water conservation and storage facilities, flood control, habitat conservation, aggregate mining, agriculture, and roadways. Aggregate mining is conducted in the western half of the Plan Area, while the Conservation District maintains spreading basins for water recharge in the eastern section. San Bernardino County Flood Control District maintains flood control facilities along the Santa Ana River, Plunge Creek, and City Creek. The predominant native plant communities are Riversidean alluvial fan sage scrub with components of non-native grassland.

DISCUSSION

Background and Purpose

The proposed Wash Plan is the result of coordination between local companies and agencies beginning with the Wash Committee which formed in 1993 to evaluate uses of the Wash. In 1997, the goals of the Wash Committee expanded to incorporate inclusion of water, mining, flood control, municipal facilities, and wildlife within the Plan Area, and the Committee itself expanded to include a Policy Action Committee and a Technical Advisory Committee. Following several workshops to develop land use alternatives in the late 1990s, the Wash Plan Task Force was formed in 2000 to support development of the consensus alternative. The Task Force, comprised of the City of Highland, City of Redlands, Redlands Municipal Utilities and Engineering Department, East Valley Water District, San Bernardino County Flood Control District, San Bernardino County Planning and Parks Departments, Robertson’s Ready Mix, CEMEX, San Bernardino Valley Municipal Water District and San Bernardino Valley Water Conservation District, undertook development of an EIS/EIR for the land use plan in the 2000s. This effort, led by the San Bernardino Valley Water Conservation District, resulted in adoption of the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan and associated EIR in 2008. Following additional public and agency feedback, the Task Force and its Participating

Stakeholders (Bureau of Land Management, U.S. Fish and Wildlife Service, California Department of Fish and Game, Highland Community News, Inland Valley Development Agency, and Endangered Habitats League) revised the Wash Plan to reduce overall project impacts and increase species and habitat conservation in 2014. The following year, U.S. Fish and Wildlife Service published a Notice of Intent to prepare a Draft Environmental Impact Statement for the Wash Plan under NEPA in the Federal Register, while the Conservation District published a Notice of Preparation for a Supplemental Environmental Impact Report for the Wash Plan under CEQA. In 2019, President Trump signed the Santa Ana River Wash Land Exchange Act, clearing the way for a land exchange between the Conservation District and BLM to facilitate Wash Plan goals. Feedback was solicited during a public comment period for the final Upper Santa Ana River Wash Habitat Conservation Plan and associated draft environmental documents in winter of 2019/2020, and the final Wash Plan and FEIS/SEIR, including responses to comments, were posted to the Conservation District's website on June 19, 2020.

The purpose of the Wash Plan is to provide an effective framework to permanently protect and enhance Covered Species populations and associated habitats within the Plan Area while providing a streamlined environmental permitting process for impacts from the Covered Activities. This Habitat Conservation Plan would allow the Conservation District to obtain a federal Incidental Take Permit (ITP) for the Covered Species, which the Conservation District may extend to Participating Entities proposing Covered Activities that conform to Wash Plan standards. The mechanism for such extension is the Certificate of Inclusion, whose procedures are defined in the Implementation Agreement, negotiated among the Participating Entities. Under that process, a Participating Entity applies for coverage for a Covered Activity, and the Conservation District assures that the Covered Activity, as proposed, fits the scope of disturbances and impacts contemplated under the EIS and EIR, and that mitigation adequate to keep up with "stay ahead" requirements for mitigation in the HCP are met.

The proposed Wash Plan was developed in close coordination with the U.S. Fish and Wildlife Service, as well as California Department of Fish and Wildlife. The Wash Plan evaluates take for 64 Covered Activities, including 24 new construction/drainage facility projects, 21 operations and maintenance projects, 11 new trail designations, and 8 monitoring and habitat management/enhancement projects. In total, these projects will permanently impact up to 553.3 acres of Riversidean alluvial fan sage scrub (with an additional 80.3 acres of temporary impacts), 0.2 acres of riparian habitats (with an additional 2.7 acres of temporary impacts), 31.8 acres of non-native vegetation (with an additional 16.7 acres of temporary impact), and 30.4 acres of existing features/developed (with an additional 117 acres of temporary impact). To address these impacts, the Wash Plan will provide protection for the Covered Species by conserving and/or managing 1,529.9 acres of native, natural habitats within the Plan Area, (the "Wash Plan Preserve"). The Wash Plan Preserve was developed to provide an area and configuration sufficient to protect natural habitats, maintain ecological processes, support restoration, and link existing conserved lands to build a core ecological area. If approved, the Wash Plan will provide management strategies, goals and funding to preserve and restore habitat for the Covered Species in the Wash Plan Preserve in perpetuity.

Public Outreach and Comments

In addition to decades of coordination and consensus-building among Task Force Members and Participating Stakeholders, significant solicitation of public comment occurred throughout the EIS and EIR processes. Two public meetings were held on March 18, 2015, as part of a 60-day scoping and

public comment period that ended on May 4, 2015. An additional public meeting, focusing on biological issues, was held on April 7, 2015. Additional public feedback was solicited on the draft Wash Plan and environmental documents at two meetings held on January 9, 2020, as part of a 45-day comment period that ended on January 23, 2020. Verbal and written comments were received during these comment periods resulting in revisions to the Wash Plan and FEIS/SEIR. The 2015 comments focused on the following topic areas: rare, threatened and endangered species; mineral resources; water resources; recreation; noise; visual resources; cultural resources; land management; and traffic management; while the 2020 comments focused on potential conflicts with nearby airports, mitigation on lands not owned by ITP Permittees, air quality, water quality, coordination of Wash Plan Preserve management with nearby conservation lands, and impacts to/mitigation for spineflower.

FISCAL IMPACT

Wash Plan development was led by the Conservation District and funded jointly by the Wash Plan Task Force members. Total Wash Plan development costs, including consultant contracts for the Wash Plan and associated environmental documents, are approximately \$2.4 million dollars. \$1,775,556 has been paid, while the remaining \$620,813 (“Issuance Costs”) will be collected from Participating Entities upon application for Certificates of Inclusion.

Wash Plan implementation would result in the expenditure of District funds, for District Covered Activities, of approximately \$54,042. The total Wash Plan implementation cost estimate for all Permittees and Participating Entities is \$10,955,500 for land conservation and management in perpetuity. Funding for Wash Plan implementation will be held by the San Bernardino Valley Conservation Trust in a non-wasting endowment. At this time, the Wash Plan endowment holds \$1,986,936.

ENVIRONMENTAL IMPACT

The San Bernardino Valley Water Conservation District, as Lead Agency under CEQA, has prepared and completed a Supplemental Environmental Impact Report and under NEPA an Environmental Impact Statement (EIS), SCH No. 2004051023/ FWS-R8-ES-2019-N111, dated May 2020, covering this activity.

A Notice of Preparation soliciting input on the scope of the joint EIS/Supplemental EIR was issued on March 6, 2015. The Draft EIS/SEIR was made available for 45-day public review beginning December 6, 2019. The Final EIS/SEIR, which includes the NOP and the responses to public comments on the Draft EIS/SEIR was finalized on June 19, 2020.

As part of the CEQA approval process, the Board is being asked to approve the CEQA findings appended hereto, which includes a Statement of Overriding Considerations on those significant environmental impacts not reduced to a level of non-significance after mitigation. The Board is also asked to approve the Mitigation Monitoring Plan, attached, which lays out the various mitigation measures identified and incorporated into the Project, and the responsibilities for administration and oversight of such measures.

Finally, the Board is being asked to delegate signature authority on the various documents relating to the issuance of any Incidental Take Permits (State or Federal), other permits related to implementation of

the Upper Santa Ana River Wash Habitat Conservation Plan, and any Implementation Agreement, Memoranda of Understanding, or Certificates of Inclusion in furtherance of such plan, to the General Manager. A number of these implementing measures are time sensitive, and may be delayed, with attendant added expenses, if approvals on such measures need await agendaing and approval on once-monthly Board meetings. Staff seeks only such approval authority as is consistent with the EIS, EIR, and the conditions of Incidental Take Permits or other Permits; any variances from these guiding documents would have to be brought back to the Board for review and policy input and approval. The purpose here is to keep the District administratively nimble in the execution of its roles as Permittee and Lead Agency, but not to authorize administrative departure from the governing documents of the Upper Santa Ana River Wash Habitat Conservation Plan, and any Implementation Agreement, Memoranda of Understanding, or Certificates of Inclusion review and approval processes. District Counsel prepared and recommends the request approval of Resolution No. 579 concisely restating the actions the Board is making.

ATTACHMENTS OR MATERIALS

1. Final Upper Santa Ana River Wash Habitat Conservation Plan, available online at <http://sbvwcd.org/our-projects/wash-plan>
2. Final Environmental Impact Statement/Supplemental Environmental Impact Report Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan, available online at <http://sbvwcd.org/our-projects/wash-plan>
3. CEQA Findings and Statement of Overriding Considerations
4. Mitigation Monitoring and Reporting Program
5. Resolution No. 579

Attachment 1

The Final Upper Santa Ana River Wash Habitat Conservation Plan is available online at <http://sbvwcd.org/our-projects/wash-plan>.

Attachment 2

The Final Environmental Impact Statement/Supplemental Environmental Impact Report Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan is available online at <http://sbvwcd.org/our-projects/wash-plan>.

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE UPPER SANTA ANA RIVER WASH PLAN

State Clearinghouse No. 2015031022

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report prior to approval of the project pursuant to Sections 15091 and 15093 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. The lead agency is responsible for the adequacy and objectivity of the EIR. This document provides the findings required by CEQA and the specific reasons for considering the project acceptable even though the project has significant impacts that are infeasible to mitigate.

The San Bernardino Valley Water Conservation District (District), as lead agency, is certifying the Environmental Impact Statement/Supplemental Environmental Impact Report, Proposed Upper Santa Ana River Wash Habitat Conservation Plan (HCP) and an Endangered Species Act Section 10 Permit (the EIR). The District has subjected the EIR to the agency's own independent review and analysis.

A. PROJECT SUMMARY

Project Location

The Project location is the Plan Area, which encompasses approximately 4,892.2 acres extending approximately 6 miles westward from Greenspot Road in the City of Highland to Alabama Street in the City of Redlands. Greenspot Road forms the northern and eastern boundary of the Plan Area and the bluffs on the south side of the Santa Ana River generally form the southern boundary. It includes reaches of Mill and Plunge Creeks and the Santa Ana River and the upland areas in between them.

Existing land uses in the Plan Area consist of water conservation and storage facilities, flood control, habitat conservation, aggregate mining, agriculture, and roadways. Aggregate mining is conducted in the western half of the Plan Area, while the San Bernardino Valley Water Conservation District (Conservation District) maintains spreading basins for water recharge in the eastern section. The San Bernardino County Flood Control District (SBCFCD) maintains flood control facilities along the Santa Ana River, Plunge Creek, and City Creek. The predominant native plant communities are Riversidean alluvial fan sage scrub (RAFSS) and Riversidean sage scrub (RSS) with components of chaparral and non-native grassland.

Project Description

The Project includes Covered Activities included in the HCP, as well as the U.S. Fish and Wildlife Service's (USFWS) issuance of permits for authorization of incidental take consistent with the HCP.

The HCP identifies a number of Covered Activities. These activities and projects were considered when assessing the total amount of take of Covered Species that is expected in the Plan Area over the life of the permits and in developing the overall HCP conservation strategy. The Covered Activities include the following categories:

Aggregate Mining—the areas in which gravel and rock (aggregate) mining operations by Robertson's and Cemex will continue (existing mining) and expand (new mining) as delineated in the HCP. Currently, aggregate mining and associated support activities, such as haul roads, are occurring within the Plan Area. As part of the implementation of the HCP, the existing mining area would be expanded for new aggregate mining. An expansion of the existing haul road would also occur.

Water Conservation—Water conservation and management activities, both ongoing and planned future activities, are activities needed to support the conservation/recharge of water into the Bunker Hill groundwater basin for consumptive use, the monitoring of groundwater basins, and pumping to meet customer demands. The facilities required to support those water management efforts are also included. These facilities include pipeline easements, canals, maintenance roads, tanks and recharge basins, and the construction of groundwater wells. The Conservation District, San Bernardino Valley Municipal Water District (SBVMWD), and East Valley Water District (EVWD), are the Task Force members associated with these activities.

Wells and Water Infrastructure—Activities related to the creation of new wells and access roads and the maintenance of existing well and access roads. Currently ten wells, some with associated tanks and boosters, are in use or proposed in the Plan Area. Four are observation wells used to monitor groundwater levels as part of the management of the Bunker Hill Basin. Also four supply wells are operating in the Plan Area. There are two municipal potable water wells located adjacent to, and east of, Orange Street near the Cemex plant. The wells service pipeline is located in the Orange Street/Boulder Avenue ROW.

Transportation—Activities related to the construction, operations, and maintenance of planned transportation facilities. Arterial road/highway maintenance and expansion is planned at a number of locations in the Plan Area. Four projects are proposed for coverage under the HCP: widening of two existing roadways and the construction or replacement of two additional roadways across the Plan Area.

Flood Control—Activities related to the construction of new flood control structures and the operations and maintenance of existing and new flood control facilities. The SBCFCD maintains flood control levee structures on the Santa Ana River, Mill Creek, Plunge Creek

and City Creek within the Plan Area. Regular and ongoing maintenance is required so these levees continue to provide flood protection to the public.

Trails—The HCP Preserve Area has the potential to provide recreational benefit to those in adjoining communities and would also provide an educational resource illustrating the benefits of species and open space protection. A carefully planned trail system that does not diminish habitat and species conservation can further conservation goals as well as provide recreational opportunities. The HCP addresses Covered Species and their habitats associated with the development and operations of a trail system within the HCP Area using primarily existing roads and access easements to minimize impacts to Covered Species habitat. The trail system would be for non-motorized recreational use.

Habitat Enhancement and Monitoring—Activities that support the restoration and maintenance of habitat values in the Plan Area. The conservation and mitigation strategy discussed within the HCP is designed to mitigate incidental take (for wildlife) or adverse impacts (for plants) of covered species from Covered Activities within the Plan Area and to manage and monitor those species in the future.

B. PROJECT OBJECTIVES

The proposed objectives of the Project are to:

1. Ensure the continued ability of the Conservation District to replenish the Bunker Hill Groundwater Basin with native Santa Ana River water using existing and potential future water recharge facilities in the Plan Area;
2. Ensure the continued ability of the SBCFCD to protect land and property by managing the floodwaters of the Santa Ana River and its local tributaries (Mill Creek, Plunge Creek, and City Creek);
3. Accommodate the relocation and expansion of aggregate mining quarries, to help ensure long- term availability of high quality aggregate reserves located within the Plan Area for local and regional use, consistent with the MRZ-2 designation for reserves in this area, and do so on land adjacent to existing quarries, that have mostly been disturbed;
4. Accommodate improvements to existing arterial roads and highways to provide safe modes of travel;
5. Accommodate other small projects and future Operations and Maintenance of facilities within the Plan Area;
6. Provide public access in the form of recreational trails when funding for their management becomes available;
7. Conserve and enhance populations of Covered Species and their habitats in the Plan Area by conserving land in a configuration and area sufficient to maintain

ecological processes, and protect core habitat areas and the connections between them;

8. Avoid and minimize effects on Covered Species and their habitats during Covered Activities; and
9. Actively manage conserved lands within the Plan Area for the benefit of Covered Species, including control of invasive plant species, selective vegetation thinning, revegetation, development of specific habitat enhancement projects and species and habitat monitoring.

C. ENVIRONMENTAL REVIEW PROCESS

In conformance with CEQA and the *CEQA Guidelines*, as well as the National Environmental Policy Act (NEPA), the Conservation District conducted an extensive environmental review of the proposed project. The following is a summary of the District's environmental review process of this project:

- An EIR was prepared for the Upper Santa Ana River Wash Plan (2008 EIR) and certified in 2008 by the Conservation District's Board of Directors.
- Pursuant to *CEQA Guidelines* Section 15082, as amended, the District filed a Notice of Preparation (NOP) to prepare a joint EIS/Supplemental EIR with the State Clearinghouse (SCH# 2015031022) on March 5, 2015, providing for a 30 day review period through April 3, 2015. The NOP was also filed with the San Bernardino County Clerk of the Board.
- To afford interested individuals, groups, and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the EIR, as described in the NOP, a public scoping meeting was held on March 18, 2015. Seven comment letters were received during this scoping process, focusing primarily on rare, threatened and endangered species, mineral resources, water resources, recreation, noise, visual resources, cultural resources, land management and traffic management. In response, an additional public meeting dedicated to habitat and biological issues was held on April 7, 2017. Responses to comments received during the scoping process were included in the Draft EIR.
- A Draft Supplemental EIR ("Draft EIR") was prepared and distributed for a 45-day public review period beginning December 9, 2019 and ending on January 23, 2020. A Notice of Completion (NOC) was filed with the State Clearinghouse on October 27, 2019. The NOC was sent to interested persons and organizations, and the Draft EIR was posted on the District's website. A Notice of Availability (NOA) was also published in the Federal Register on December 9, 2019 (84 FR 67292). Thirteen comment letters were received on the Draft EIR. Responses to these comments are

included in the Final EIR. Comments received raised issues in regards to inclusion of updated information, air quality, water quality, spineflower conservation, adequacy of mitigation, mitigation on BLM land, and conflicts with nearby airports. Comments were also received during a public comment meeting on January 9, 2020.

- A Final EIR was prepared, which included comments on the Draft EIR and responses to those comments. The Final EIR was released for a 10-day agency review period prior to anticipated certification of the Final EIR.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes, but is not limited to, the following documents and other evidence:

- The 2008 EIR;
- The NOP, NOA, and all other public notices issued by the District in conjunction with the proposed project;
- The Draft EIR and Final EIR for the proposed project;
- All written comments submitted by agencies or members of the public during the scoping and public review period of the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the scoping and public review period of the Draft EIR;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
- Matters of common knowledge to the District, including but not limited to Federal, State, and local laws and regulations; and
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e) (excluding privileged materials), including materials submitted to the District.

E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the District's actions related to the Project are located at the offices of the Conservation District. The District's General Manager, Mr. Daniel Cozad, is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at 1630 West Redlands Blvd., Suite A, Redlands, CA 92373. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The District selected and retained Ruth Villalobos & Associates, Inc., ELMT Consulting, and Michael Baker International to prepare the EIR. The EIR was prepared under the supervision and direction of the District. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The District has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultants, and directing the consultants in the preparation of the EIR. The District has independently reviewed and analyzed the EIR and finds that the report reflects the independent judgment of the District.

The District has considered all the evidence presented in its consideration of the project and the EIR, including, but not limited to, the Draft EIR, the Final EIR, written and oral evidence presented at hearings on the project, and written evidence submitted to the District by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the District finds that with respect to each environmental impact identified in the review process, the impact (1) is less than significant and would not require mitigation; (2) is potentially significant but would be avoided or reduced to less than a significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigatable but would be, to the extent feasible, lessened by implementation of identified mitigation measures.

The EIR also identifies certain significant adverse environmental effects of the proposed project which cannot be avoided or substantially lessened. Prior to approving this project, the District also adopts a Statement of Overriding Considerations which finds, based on specific reasons and substantial evidence in the record (as specified in Section III, *Statement of Overriding Considerations*), that certain identified economic, social, or other benefits of the proposed project outweigh such unavoidable adverse environmental effects.

II. FINDINGS AND FACTS

The District, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. Findings on Impacts Determined to be Less Than Significant

Consistent with *CEQA Guidelines* Sections 15162.2 and 15128, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.”

Finding:

The District finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, would be less than significant.

1. Air Quality and Greenhouse Gases

The proposed project would not conflict with or obstruct implementation of the applicable AQMP. (AQ-1)

The proposed project would not result in a significant health risk to nearby sensitive receptors. (AQ-4)

The proposed project would not create objectionable odors affecting a substantial number of people. (AQ-5)

The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (AQ-7)

2. Geology and Mineral Resources

The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (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?; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; or (iv) Landslides. (GEO-1)

The proposed project would not result in substantial soil erosion or the loss of topsoil. (GEO-2)

The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (GEO-3)

The proposed project would not create substantial risks to life and property due to expansive soils. (GEO-4)

The proposed project would not have any impacts related to the disposal of waste water. (GEO-5)

The proposed project would not result in the loss of a known mineral resource that would be of value to the region and the residents of the State. (GEO-7)

3. Hydrology and Water Quality

The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (HYD-1, HYD-6)

The proposed project would not substantially decrease 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. (HYD-2)

The proposed project would not 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 a substantial erosion or siltation on- or off-site. (HYD-3)

The proposed project would not 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. (HYD-5)

The proposed project would not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. (HYD-7)

The proposed project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows. (HYD-8)

The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. (HYD-9)

The proposed project would not result in inundation by seiche, tsunami, or mudflow. (HYD-10)

4. Biological Resources

The proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (BIO-2)

The proposed project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. (BIO-4)

The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (BIO-5)

The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. (BIO-6)

5. Land Use and Planning

The proposed project would not physically divide an established community. (LUP-1)

The proposed project would not 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. (LUP-2)

The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. (LUP-3)

6. Socioeconomics, Population and Housing, and Environmental Justice

The proposed project would not 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). (POP-1)

The proposed project would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. (POP-2, POP-3)

7. Transportation Systems and Traffic

The proposed project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (TRA-1)

The proposed project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. (TRA-3)

The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (TRA-4)

The proposed project would not result in inadequate emergency access. (TRA-5)

The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (TRA-6)

8. Visual Resources

The proposed project would not have a substantial adverse effect on a scenic vista. (VIS-1)

The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (VIS-4)

10. Noise

The proposed project is not in the vicinity of a private airstrip. (NOI-1)

The proposed project would not expose people to aircraft noise. (NOI-2)

The proposed project would not result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (NOI-3)

The proposed project would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. (NOI-3)

11. Hazards

The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (HAZ-3)

The proposed project would not 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. (HAZ-4)

12. Recreation

The proposed project would not result in increased use of existing neighborhood and regional parks or other recreational facilities where substantial physical deterioration would occur or be accelerated. (REC-1)

The proposed project would not result in adverse physical impacts associated with the provision of new or physically altered recreation and park facilities or result in substantial adverse physical impacts associated with the provision of new or physically altered recreation and park facilities. (REC-2)

B. Findings on Impacts Mitigated to Less Than Significant

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these impacts would be considered less than significant.

1. Biological Resources

BIO-1:	The project could result in 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 Wildlife or U.S. Fish and Wildlife Service [Threshold BIO-1]
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The potential for the project to result in 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 Wildlife or U.S. Fish and Wildlife Service was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not result in 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 Wildlife or U.S. Fish and Wildlife Service.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

BIO MM-1 Pre-Project Nesting Bird Surveys

In order to comply with the relevant sections of the CFGC (e.g., 3503, 3503.4, 3504, 3505, etc.), and to reduce adverse impacts to sensitive birds, any Covered Activities/Proposed Projects that require ground disturbance and/or vegetation clearing should take place outside of the typical avian nesting season (i.e., March 1 to August 30), to the maximum extent practical. However, if ground disturbance and/or vegetation clearing cannot be conducted outside of the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist. The survey shall occur prior to initiation of project activities, and any occupied passerines and/or raptor nests occurring within or adjacent to the project footprint shall be delineated. If an active bird nest is located, the biologist shall establish, implement, and monitor avoidance and minimization measures to ensure compliance with all applicable laws and regulations related to nesting birds. Once nesting has been determined to cease, the buffer may be removed.

BIO MM-2 Jurisdictional Permitting

Prior to initiating Covered Activities/Proposed Projects with the potential to impact waters of the US/State, a formal Jurisdictional Delineation shall be conducted and if waters of the US/State, including wetlands, cannot be entirely avoided, a 404 permit from USACE, 401 Water Quality Certification from the Regional Water Quality Control Board, and 1600 Streambed Alteration Agreement from California Department of Fish and Wildlife (CDFW) shall be obtained. Project specific

mitigation shall be determined with these agencies on a project-by-project basis. Project specific mitigation shall be consistent with the agencies policies and the guidelines at the time permits are obtained for a project. Each project shall mitigate for a minimum of equal or superior function and value of streambed and habitat affected.

As set forth in the Final EIR, issuance of ITPs from the USFWS and a Section 2081(b) permit or other permit authorizing take from CDFW is required prior to initiation of Covered Activities/Proposed Projects that would have an adverse impact on state and federally listed species and the habitats that support them.

The HCP includes a conservation program that the Conservation District, the Participating Entities, and SBCFCD would implement for San Bernardino kangaroo rat (SBKR), California gnatcatcher, Santa Ana River woolly-star, slender-horned spineflower, and cactus wren in the Plan Area to avoid, minimize, monitor, manage, and mitigate the effects of incidental take (for wildlife) or adverse impacts (for plants) and contribute to their survival and recovery.

No residual impacts related to sensitive biological resources would occur after implementation of the proposed conservation measures of the HCP and Mitigation Measures MM BIO-1 and MM BIO-2 for the Proposed Projects. Impacts would be reduced to less than significant.

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, pages 4.4-3 to 4.4-26 of the Final EIR and any documents referenced or incorporated by reference therein.

BIO-3: The project could result in a substantial adverse effect on federally protected “wetlands” or “Waters of the U.S.” 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 [Threshold BIO-3]

The potential for the project to result in a substantial adverse effect on federally protected “wetlands” or “Waters of the U.S.” 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 was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not result in a substantial adverse effect on federally protected “wetlands” or “Waters of the U.S.” 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.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

BIO MM-2 Jurisdictional Permitting

Prior to initiating Covered Activities/Proposed Projects with the potential to impact waters of the US/State, a formal Jurisdictional Delineation shall be conducted and if waters of the US/State, including wetlands, cannot be entirely avoided, a 404 permit from USACE, 401 Water Quality Certification from the Regional Water Quality Control Board, and 1600 Streambed Alteration Agreement from California Department of Fish and Wildlife (CDFW) shall be obtained. Project specific mitigation shall be determined with these agencies on a project-by-project basis. Project specific mitigation shall be consistent with the agencies policies and the guidelines at the time permits are obtained for a project. Each project shall mitigate for a minimum of equal or superior function and value of streambed and habitat affected.

As set forth in the Final EIR, issuance of a 404 permit from USACE, 401 Water Quality Certification from the Regional Water Quality Control Board, and 1600 Streambed Alteration Agreement from CDFW is required prior to initiation of Covered Activities/Proposed Projects that would have an adverse impact on waters of the US/State, including wetlands.

No residual impacts related to sensitive biological resources would occur after implementation of the proposed conservation measures of the HCP and Mitigation Measures MM BIO-1 and MM BIO-2 for the Proposed Projects. Impacts would be reduced to less than significant.

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, pages 4.4-24 to 4.4-25 of the Final EIR and any documents referenced or incorporated by reference therein.

2. Cultural Resources

CUL-1:	The Project could cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. [Threshold CUL-1]
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The potential for the project to cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM CR-1 To reduce potential adverse impacts from construction of Proposed Projects/Covered Activities on cultural resources (P-36-5526 recommended as a historic property under Section 106 of the NHPA and P-36-6062 recommended potentially eligible for National Register listing and potentially a historic property) one of the following options shall be implemented:

- Avoidance and Preservation in place.
- If avoidance and preservation in place is not feasible, then a Phase III data recovery plan, which provides for adequately recovering scientifically consequential information from and about the historic property/historical resource, shall be prepared and adopted prior to any undertaking or project- related excavation.

MM CR-2 An archaeological monitor shall be present during any proposed earthmoving activities for Proposed Projects. The monitor should work under the direct supervision of a cultural resources professional who meets the Secretary of the Interior's Professional Qualification Standards for archaeology (the project archaeologist). Prior to commencement of any earthmoving activities, the project archaeologist should attend a pre-construction meeting in order to:

- Discuss safety procedures;
- Become acquainted with essential project personnel;
- Inform construction personnel of field methods; and
- Confirm avoidance of any National Register or (as necessary) California Register eligible or potentially eligible resources.

The monitor should be empowered to divert construction work from any resources set aside for avoidance. The monitor should also be empowered to temporarily halt or redirect construction work in the vicinity of any new find until the project archaeologist can evaluate it. In the event of a new find, salvage excavation and reporting may be required.

As set forth in the Final EIR, Proposed Action/Projects could result in significant adverse impacts on P-36-5526, the historic-period orchard complex that was determined eligible for National Register listing in 1991 and is recommended a historic property under Section 106 of the NHPA and P-36-6062, a multiple-episode deposit of historic-period debris, that is recommended potentially eligible for National Register listing. Implementation of Mitigation Measure CR-1 would reduce potential impacts to these cultural resources to less than significant levels.

No residual impacts related to cultural resources would occur with implementation of the mitigation measures.

Support for this environmental impact conclusion is included in Section 4.9, *Cultural Resources*, and in particular, pages 4.9-2 to 4.9-6 of the Final EIR and any documents referenced or incorporated by reference therein.

CUL-2: The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. [Threshold CUL-2]

The potential for the project to cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM CR-1 To reduce potential adverse impacts from construction of Proposed Projects/Covered Activities on cultural resources (P-36-5526 recommended as a historic property under Section 106 of the NHPA and P-36-6062 recommended

potentially eligible for National Register listing and potentially a historic property) one of the following options shall be implemented:

- Avoidance and Preservation in place.
- If avoidance and preservation in place is not feasible, then a Phase III data recovery plan, which provides for adequately recovering scientifically consequential information from and about the historic property/historical resource, shall be prepared and adopted prior to any undertaking or project- related excavation.

MM CR-2 An archaeological monitor shall be present during any proposed earthmoving activities for Proposed Projects. The monitor should work under the direct supervision of a cultural resources professional who meets the Secretary of the Interior's Professional Qualification Standards for archaeology (the project archaeologist). Prior to commencement of any earthmoving activities, the project archaeologist should attend a pre-construction meeting in order to:

- Discuss safety procedures;
- Become acquainted with essential project personnel;
- Inform construction personnel of field methods; and
- Confirm avoidance of any National Register or (as necessary) California Register eligible or potentially eligible resources.

The monitor should be empowered to divert construction work from any resources set aside for avoidance. The monitor should also be empowered to temporarily halt or redirect construction work in the vicinity of any new find until the project archaeologist can evaluate it. In the event of a new find, salvage excavation and reporting may be required.

No residual impacts related to cultural resources would occur with implementation of the mitigation measures.

Support for this environmental impact conclusion is included in Section 4.9, *Cultural Resources*, and in particular, pages 4.9-2 to 4.9-6 of the Final EIR and any documents referenced or incorporated by reference therein.

CUL-3: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or contain rock formations indicating potential paleontological resources. [Threshold CUL-3]

The potential for the project to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or contain rock formations indicating potential paleontological resources was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or contain rock formations indicating potential paleontological resources.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM CR-1 To reduce potential adverse impacts from construction of Proposed Projects/Covered Activities on cultural resources (P-36-5526 recommended as a historic property under Section 106 of the NHPA and P-36-6062 recommended potentially eligible for National Register listing and potentially a historic property) one of the following options shall be implemented:

- Avoidance and Preservation in place.
- If avoidance and preservation in place is not feasible, then a Phase III data recovery plan, which provides for adequately recovering scientifically consequential information from and about the historic property/historical resource, shall be prepared and adopted prior to any undertaking or project- related excavation.

MM CR-2 An archaeological monitor shall be present during any proposed earthmoving activities for Proposed Projects. The monitor should work under the direct supervision of a cultural resources professional who meets the Secretary of the Interior's Professional Qualification Standards for archaeology (the project archaeologist). Prior to commencement of any earthmoving activities, the project archaeologist should attend a pre-construction meeting in order to:

- Discuss safety procedures;
- Become acquainted with essential project personnel;
- Inform construction personnel of field methods; and

- Confirm avoidance of any National Register or (as necessary) California Register eligible or potentially eligible resources.

The monitor should be empowered to divert construction work from any resources set aside for avoidance. The monitor should also be empowered to temporarily halt or redirect construction work in the vicinity of any new find until the project archaeologist can evaluate it. In the event of a new find, salvage excavation and reporting may be required.

Because there are no paleontological resources located within the vicinity of the Plan Area, and because sediments suitable for containing significant vertebrate paleontological resources are absent there would be no impacts from any of the nine components of the Wash Plan associated with directly or indirectly destroying a unique paleontological resource or site or unique geological site.

Support for this environmental impact conclusion is included in Section 4.9, *Cultural Resources*, and in particular, pages 4.9-2 to 4.9-6 of the Final EIR and any documents referenced or incorporated by reference therein.

CUL-4: The Project could disturb human remains, including those interred outside of formal cemeteries. [Threshold CUL-4]

The potential for the project to disturb any human remains, including those interred outside of formal cemeteries, was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not disturb any human remains, including those interred outside of formal cemeteries.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM CR-3 If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine/notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized

representative, the MLD may inspect the site of the discovery. The MLD shall be given 48 hours within notification by the NAHC to complete the inspection. .

No residual impacts related to cultural resources would occur with implementation of the mitigation measures.

Support for this environmental impact conclusion is included in Section 4.9, *Cultural Resources*, and in particular, pages 4.9-2 to 4.9-6 of the Final EIR and any documents referenced or incorporated by reference therein.

CUL-5: The Project could have a substantial adverse effect on a Tribal Cultural Resource. [Threshold CUL-5]

The potential for the project to have a substantial adverse effect on a Tribal Cultural Resource was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not have a substantial adverse effect on a Tribal Cultural Resource.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM CR-1 To reduce potential adverse impacts from construction of Proposed Projects/Covered Activities on cultural resources (P-36-5526 recommended as a historic property under Section 106 of the NHPA and P-36-6062 recommended potentially eligible for National Register listing and potentially a historic property) one of the following options shall be implemented:

- Avoidance and Preservation in place.
- If avoidance and preservation in place is not feasible, then a Phase III data recovery plan, which provides for adequately recovering scientifically consequential information from and about the historic property/historical resource, shall be prepared and adopted prior to any undertaking or project- related excavation.

MM CR-2 An archaeological monitor shall be present during any proposed earthmoving activities for Proposed Projects. The monitor should work under the direct supervision of a cultural resources professional who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology (the project

archaeologist). Prior to commencement of any earthmoving activities, the project archaeologist should attend a pre-construction meeting in order to:

- Discuss safety procedures;
- Become acquainted with essential project personnel;
- Inform construction personnel of field methods; and
- Confirm avoidance of any National Register or (as necessary) California Register eligible or potentially eligible resources.

The monitor should be empowered to divert construction work from any resources set aside for avoidance. The monitor should also be empowered to temporarily halt or redirect construction work in the vicinity of any new find until the project archaeologist can evaluate it. In the event of a new find, salvage excavation and reporting may be required.

MM CR-3 If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine/notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall be given 48 hours within notification by the NAHC to complete the inspection .

No residual impacts related to tribal resources would occur with implementation of the mitigation measures.

Support for this environmental impact conclusion is included in Section 4.9, *Cultural Resources*, and in particular, pages 4.9-2 to 4.9-6 of the Final EIR and any documents referenced or incorporated by reference therein.

3. Noise

NOI-3: The proposed project could result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

The proposed project could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. [Threshold NOI-3]

The potential for the project to result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels and/or result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels and/or result in exposure of persons to or generation of noise levels in excess of applicable standards.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM NOI-1 If construction activities are located within 600 feet from sensitive receptors a noise and vibration analysis shall be prepared to confirm that construction noise or vibration generated would not exceed standards at the property line of the nearby sensitive receptors. If the noise analysis indicates construction noise generated would exceed ambient standards then it shall identify the design features (such as noise barriers), their location and height, that are required to reduce construction noise to appropriate standards at the property line of nearby sensitive receptors.

Noise impacts could occur as a result of future construction projects if they are located within 600 feet from sensitive receptors. Implementation of Mitigation Measure NOI-1 would require site specific noise analyses be conducted prior to construction to ensure noise levels do not exceed City and/or County requirements.

Existing and future operations and maintenance activities are not anticipated to result in substantial increases in ambient noise at sensitive receptors just outside the Plan Area.

Support for this environmental impact conclusion is included in Section 4.10, *Noise*, and in particular, pages 4.10-2 to 4.10-4 of the Final EIR and any documents referenced or incorporated by reference therein.

NOI-5: The proposed project could result in the exposure of persons to a generation of excessive groundborne vibration or groundborne noise levels.

The potential for the project to result in the exposure of persons to a generation of excessive groundborne vibration or groundborne noise levels was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not result in the exposure of persons to a generation of excessive groundborne vibration or groundborne noise levels.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM NOI-1 If construction activities are located within 600 feet from sensitive receptors a noise and vibration analysis shall be prepared to confirm that construction noise or vibration generated would not exceed standards at the property line of the nearby sensitive receptors. If the noise analysis indicates construction noise generated would exceed ambient standards then it shall identify the design features (such as noise barriers), their location and height, that are required to reduce construction noise to appropriate standards at the property line of nearby sensitive receptors.

Any groundborne vibration impacts that may occur as a result of future construction would be required to adhere to Mitigation Measure NOI-1, which would require site specific noise and vibration analyses be conducted prior to construction within 600 feet of sensitive receptors to ensure noise levels do not exceed City and/or County requirements.

Support for this environmental impact conclusion is included in Section 4.10, *Noise*, and in particular, pages 4.10-8 to 4.10-9 of the Final EIR and any documents referenced or incorporated by reference therein.

4. Hazards

HAZ-1: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. [Threshold HAZ-1]

The potential for the project to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM HAZ-1 A lead remediation plan shall be prepared prior to any construction activities for the Elder/ Plunge Creek Restoration-Reasonably Foreseeable Project in accordance with DTSC requirements. The plan shall be acceptable to the resources agencies and further consultation with the USFWS and the CDFW in the development of final design drawings to further minimize species and habitat impacts shall occur.

Construction and maintenance activities for covered activities would involve temporary use of potentially hazardous materials (such as fuel and lubricants used with construction equipment), however, the amount of hazardous materials would be considered relatively small and use in the Plan Area would be temporary. These activities are required to and would follow all applicable Federal, State, and local regulations related to the use and handling of hazardous materials. Construction and maintenance activities are not expected to increase the potential for aviation hazards or wildlife fire hazards.

No residual impacts related to hazards and hazardous materials would occur after implementation of Mitigation Measure MM HAZ-1 for the Proposed Projects. Impacts would be reduced to less than significant.

Support for this environmental impact conclusion is included in Section 4.11, *Hazards*, and in particular, pages 4.11-2 to 4.11-12 of the Final EIR and any documents referenced or incorporated by reference therein.

HAZ-2: **The proposed project could 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 or 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, could create a significant hazard to the public or the environment. [Threshold HAZ-2]**

The potential for the project to 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 or 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 create a significant hazard to the public or the environment was evaluated. The Final EIR indicates that, with the required mitigation, the Project will not 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 or 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 create a significant hazard to the public or the environment.

Finding:

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding

The potentially significant project-specific environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final EIR and incorporated into the project.

MM HAZ-1 A lead remediation plan shall be prepared prior to any construction activities for the Elder/ Plunge Creek Restoration-Reasonably Foreseeable Project in accordance with DTSC requirements. The plan shall be acceptable to the resources agencies and further consultation with the USFWS and the CDFW in the development of final design drawings to further minimize species and habitat impacts shall occur.

Construction and maintenance activities for covered activities would involve temporary use of potentially hazardous materials (such as fuel and lubricants used with construction equipment), however, the amount of hazardous materials would be considered relatively small and use in the Plan Area would be temporary. These activities are required to and would follow all applicable Federal, State, and local regulations related to the use and handling of hazardous materials. Construction and maintenance activities are not expected to increase the potential for aviation hazards or wildlife fire hazards.

No residual impacts related to hazards and hazardous materials would occur after implementation of Mitigation Measure MM HAZ-1 for the Proposed Projects. Impacts would be reduced to less than significant.

Support for this environmental impact conclusion is included in Section 4.11, *Hazards*, and in particular, pages 4.11-2 to 4.11-12 of the Final EIR and any documents referenced or incorporated by reference therein.

C. Findings on Significant Unavoidable Impacts

The following summary describes the unavoidable impacts of the proposed project where mitigation measures were found to be infeasible or would not lessen impacts to less than significant levels. The following impacts would remain significant and unavoidable.

1. Air Quality

AQ-2 The proposed project could violate an air quality standard or contribute substantially to an existing or projected air quality violation. [Threshold AQ-2]

The Final EIR identifies a significant and unavoidable potential impact with respect to NOx, PM10, and PM2.5 emissions.

The Project's contribution to long-term regional impacts related to NOx, PM10, and PM2.5 is considered to be a significant and unavoidable impact.

Projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. Therefore, the Proposed Action/Projects would result in significant and unavoidable cumulative impacts on air quality.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures identified in the Final EIR.

Although changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of non-significance. Pursuant to CEQA Guidelines Section 15093, therefore, the District has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations.

Facts in Support of Finding

Mining and hauling activities would result in combustion emissions from heavy-duty construction vehicles, haul trucks, utility engines, and vehicles transporting the mining crews. Exhaust emissions during these activities would vary daily as mining activity levels change. The proposed expansion would increase the duration of mining but continue to limit combined operations of Cemex and Robertson's to the currently permitted 6.0 million tons per year. The mining operations would continue to include excavation, transport, and

processing of materials in the Plan Area. Excavation operations would still require the use of excavators, transporting operations the use of haul trucks and water trucks and materials processing the use of crushers, screens, conveyors, and stacking conveyors. The existing operations as well as the total expanded mining operations emissions for PM10 and PM2.5 both exceed daily thresholds. All other Proposed Projects, including small construction projects and ongoing operation and maintenance would not be expected to result in long-term regional impacts.

The net increase in emissions of the criteria pollutants for expanded mining between 2020 and 2030 would all be less than the US EPA and SCAQMD thresholds. Although the net increase from expanded mining operations does not result in emissions that would exceed thresholds for PM10 and PM2.5, the existing operations under current permits and the total expanded mining operations emissions for PM10 and PM2.5 both exceed daily thresholds. This impact is significant and mitigation measures are required.

The following mitigation measure would reduce impacts related to the potential increase in NOX from aggregate mining activities of the Plan Area:

MM AQ-1 The mining operators, Cemex and Robertson's, shall comply with Article 4.8 In-Use Off-Road Diesel-Fueled Fleets, Section 2449 Emission Standards for In-Use Off-Road Diesel-Fueled Fleets and any other applicable, subsequent rules, regulations, and requirements to the extent that is technologically feasible.

MM AQ-2 The mining operators, Cemex and Robertson's, shall comply with CARB idling restriction requirements for diesel-fueled vehicles to idle for more than 5 minutes.

MM AQ-3 Notify area schools when production reaches 6 MTY and mining entities will assist them in implementing maintenance and limiting increase in exposure.

The emissions of PM10, and PM2.5 from expanded mining operations are expected to exceed the SCAQMD thresholds and are not expected to exceed State AAQS. Long-term regional impacts remain significant and unavoidable.

Implementation of Mitigation Measures MM AQ-1 and MM AQ-2 would reduce impacts related to the potential increase in NOX emissions from expanded aggregate mining activities of the Plan Area. However, while mobile source control measures regulate emissions of heavy-duty vehicles, there is no way to quantify the reduction of these emissions by the mitigation measures. Due to the implementation of cleaner engine technology, the long-term regional impacts are significantly lower than modeled in 2008. The increases are below EPA and SCAQMD thresholds but in total remain significant and unavoidable and a Statement of Overriding Considerations is required.

SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same. Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. Based on SCAQMD's regulatory

jurisdiction over regional air quality, it is reasonable to rely on its thresholds to determine whether there is a cumulative air quality impact. None of the SCAQMD mass daily significance thresholds are exceeded during Project construction. The daily significance threshold for NOX, PM10, and PM2.5 would not be exceeded during expanded aggregate mining operations. Mitigation measures MM AQ-1 and MM AQ-2 shall be implemented to reduce operational emissions; however, they do not have quantitative reductions associated with them. Operational emissions of NOX, PM10, and PM2.5 would not exceed the SCAQMD thresholds; however, non-quantitative mitigation measures would be implemented to further limit a cumulatively considerable net increase in these emissions. Impacts are significant and unavoidable.

Support for this environmental impact conclusion is included in Section 4.1, *Air Quality and Greenhouse Gases*, and in particular, pages 4.1-8 to 4.1-16 and 4.13-9 to 4.13-10 of the Final EIR and any documents referenced or incorporated by reference therein.

AQ-5 The proposed project could expose a substantial number of people to substantial pollutant concentrations. [Threshold AQ-5]

The Final EIR identifies a significant and unavoidable impact with respect to exposure of substantial pollutant concentrations to sensitive receptors.

The proposed aggregate mining activities would result in potentially significant impacts related to exposure of substantial pollutant concentrations to sensitive receptors.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures identified in the Final EIR.

Although changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of insignificance. Pursuant to CEQA Guidelines Section 15093, therefore, the District has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations.

Facts in Support of Finding

The East Quarry South is the closest excavation site at approximately 1,690 feet from the nearest existing residence in the City of Redlands. The East Quarry North is the closest

excavation site at approximately 1,320 feet from the nearest proposed residence in the City of Highland. The nearest existing residence to the aggregate processing site is located approximately 2,820 feet away. In addition, the nearest sensitive receptors, both from existing and proposed residential developments, are also identified and are located approximately 1,175 and 1,700 feet away in the Cities of Highland and Redlands, respectively. Robertson's proposed mining and operations east of Plunge Creek Quarry and north of Silt Pond Quarry would be the closest excavation site to residences adjacent to the Plan Area.

Concentrations of CO, NO₂, and SO₂ at the nearest residences are below State (and the more lenient Federal) standards; however, the concentrations of PM₁₀ and PM_{2.5} are above the State standards, and in the case of PM_{2.5} also above the Federal AAQS. While mobile sources of PM_{2.5} and PM₁₀ are significantly reduced, road dust and excavation are still significant sources and mitigation is needed.

Table 4.1-10 of the Final EIR shows the predicted concentrations at the nearest residence using emission rates from expanded mining activities. Even though the emissions rates of PM₁₀ and PM_{2.5} increase, the changes are small enough that the concentrations from expanded mining activities stay the same at the nearest residences. The concentrations of CO, NO₂, and SO₂ would stay below State and Federal standards; however, the concentrations of PM₁₀ and PM_{2.5} would stay above State standards, and in the case of PM_{2.5} also above the Federal AAQS. This is a significant impact on local air quality and mitigation measures would be required.

A major contributor to the PM₁₀ and PM_{2.5} emissions is the road dust generated from haul trucks transporting material from the quarries to the processing plants on the internal dirt haul roads. Haul road dust emissions were based on maximum daily production levels, the average distances and aggregate volumes from each quarry and the size off-road haul trucks for each operator. During actual operations over the length, both operators could mine aggregate material at maximum daily volumes and from the more distant quarries during the same time span resulting in greater PM₁₀ emissions such that Federal standards for PM₁₀ could also be exceeded, despite implementation of the required dust control measures.

Construction and operations for the Proposed Action/Projects would continue to be required to comply with standard regional rules that assist in reducing fugitive dust air pollutant emissions.

The following mitigation measures would further reduce the level of fugitive dust/particulate matter emissions from aggregate mining operations.

MM AQ-3 Notify area schools when production reaches 6 MTY and mining entities will assist them in implementing maintenance and limiting increase in exposure.

MM AQ-4 The two operators, Cemex and Robertson's, shall schedule transportation of material such that both operators are not transporting material on the same day from the south half of the southeast quarter of Section 11, which is the area farthest from both processing plants.

Subsequent to publication of the Final EIR, the language of Mitigation Measure AQ-3 has been updated for clarity. Mitigation Measure AQ-3 shall be implemented by the mining operators in both the no project and proposed project as they reach maximum production to limit exposure to children in schools. Mitigation Measure AQ-4 shall be implemented by the mining operators to reduce emissions of particulate matter as much as possible. With implementation of standard regulations associated with SCAQMD Rules 402, 403, and 1157 and the continuation of stationary emission requirements and dust control measures that are required by the SCAQMD, the impacts of on-site mining operations related to PM10 and PM2.5 levels would be minimized, but still significant. Mitigation Measure AQ-3 would reduce PM10 and PM2.5 emissions; however, there is no way to quantify any reduction accomplished by this measure. Thus, even with compliance with SCAQMD rules and requirements and implementation of mitigation measure MM AQ3, the impact is significant and unavoidable, and a Statement of Overriding Considerations is required.

Support for this environmental impact conclusion is included in Section 4.1, *Air Quality and Greenhouse Gases*, and in particular, pages 4.1-20 to 4.1-24 of the Final EIR and any documents referenced or incorporated by reference therein.

AQ-6 The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. [Threshold AQ-6]

The Final EIR identifies a significant and unavoidable impact with respect to greenhouse gas emissions.

A project's GHG emissions and the resulting significance of potential impacts are most properly assessed on a cumulative basis. Therefore, the Project's contribution to GHG emissions would be cumulatively considerable and unavoidable based upon CEQA guidelines.

Adverse impacts from the Project related to GHG emissions are considered significant and unavoidable, and a Statement of Overriding Considerations is required.

Finding

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures identified in the Final EIR.

There are no feasible mitigation measures which can mitigate the above impact to a level of insignificance. Pursuant to CEQA Guidelines Section 15093, therefore, the District has

balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations.

Facts in Support of Finding

The primary GHG generated by the Proposed Action/Projects would be carbon dioxide in the form of vehicle exhaust and equipment exhaust. At buildout in 2030, total unmitigated carbon dioxide equivalents for carbon dioxide, methane, and nitrous oxide (vehicle and equipment exhaust from expanded mining operations) would be 21,000 MT CO₂ Eq.

As discussed in the Final EIR, the significance of GHG emissions is most appropriately considered on a cumulative level.

The total unmitigated carbon dioxide equivalents for carbon dioxide, methane, and nitrous oxide for the Proposed Action/Projects (vehicle/mobile sources and equipment exhaust from expanded mining operations) would be 21,000 MT CO₂eq. annually. Due to implementation of existing regulations, emissions from the fleet of haul trucks and processing equipment for expanded aggregate mining are anticipated to be less than what was estimated in the 2008 EIR. However, the Proposed Action/Projects would generate a substantial amount of GHG emissions annually, that may have a significant impact on the environment. Adverse impacts from the Proposed Action/Projects related to greenhouse gas emissions are significant and unavoidable.

Mobile source emissions are regulated at the Federal level by US EPA and NHTSA and at the State level by CARB. As a result of CARB and US EPA actions, basin-wide vehicular-source emissions have been reduced significantly and are anticipated to further decline as clean vehicle and fuel technologies improve. Neither the USFWS as the Federal lead agency, and the Conservation District, as the CEQA lead agency for the Proposed Action/Projects, can require or implement different standards than the US EPA or NHTSA or otherwise substantively and materially affect reductions in Project mobile-source emissions. Therefore, there is no feasible mitigation to reduce GHG emissions from the fleet of haul trucks and processing equipment for aggregate mining operations.

A project's GHG emissions and the resulting significance of potential impacts are most properly assessed on a cumulative basis. Therefore, the Proposed Action/Project's contribution to GHG emissions would be cumulatively considerable and unavoidable based upon CEQA guidelines.

Support for this environmental impact conclusion is included in Section 4.1, *Air Quality and Greenhouse Gases*, and in particular, pages 4.1-25 to 4.1-28 and 4.13-9 to 4.13-10 of the Final EIR and any documents referenced or incorporated by reference therein.

2. Transportation Systems and Traffic

TRA-2: The proposed project could conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways. [Threshold TRA-2]¹

The Final EIR identifies a significant and unavoidable impact with respect impacts to freeway segments in Year 2030 conditions.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures identified in the Final EIR.

Although changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of insignificance. Pursuant to CEQA Guidelines Section 15093, therefore, the District has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations.

Facts in Support of Finding

The Traffic Study prepared for the proposed expanded aggregate mining provides the following trip generation data: the Cemex Orange Street Plant is expected to generate 444 new daily passenger car equivalent (PCE) trips, with 39 PCE trips occurring during the a.m. peak hour and 9 PCE trips occurring during the p.m. peak hour, and the number of employee trips and miscellaneous delivery trips would not increase from the baseline

¹ Section 15064.3 of CEQA Guidelines requires land use projects to use a threshold of significance based on vehicle miles travelled (VMT), in determining the significance of transportation impacts. Section 15064.3 states that it shall apply statewide beginning July 1, 2020; by its own terms, however, it shall only “apply prospectively as described in section 15007.” (Guidelines, § 15064.3(c).) Section 15007 of the Guidelines, in turn, states that “[a]mendments to the guidelines apply prospectively only,” and that “[i]f a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements taking effect before the document is finally approved.” (Guidelines, § 15007(b), (c).) The prospective application of the new requirement is consistent with longstanding case law. (See, e.g., *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773; *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788.) Thus, under the plain language of the Guidelines, any EIR that was publicly circulated prior to July 1, 2020 is not required to include the VMT analysis mandated by Section 15064.3. As indicated above, the Draft EIR here was circulated from December 9, 2019 through January 23, 2020. Accordingly, it appropriately used a threshold based on level of service, rather than VMT. Consistent with the Guidelines and applicable case law,

number of trips for the Cemex operation. The Robertson's Alabama Street plant is expected to generate 768 new daily PCE trips with no increase of trips occurring during the peak hours. Robertson's trucks are centrally dispatched so that the facility has control over when trucks enter and exit the plant. The number of employee trips and miscellaneous delivery trips have been accounted for in the baseline driveway counts, and would not increase from the baseline number of trips for the Cemex or Robertson's operation.

Year 2030 With Proposed Action/Projects Conditions (Intersection) Traffic and Level of Service (LOS) Impacts

Development of traffic volumes for the year 2030 with Proposed Action/Projects scenario are described in detail in the Traffic Study. An intersection level of service (LOS) analysis was conducted for the 2030 with Proposed Action/Projects scenario volumes. With the addition of Proposed Action/Projects traffic to the year 2030 background scenario, intersection levels of service at the following eight intersections would result in less than the minimum standard in the a.m. peak hour, p.m. peak hour, or both:

- Palm Avenue/5th Street. The intersection would continue to operate at LOS F during the a.m. peak hour.
- Palm Avenue/3rd Street. The intersection would continue to operate at LOS E in the a.m. peak hour and change from LOS F to LOS E in the p.m. peak hour.
- Alabama Street/Robertson's Access. The intersection would continue to operate at LOS E in the a.m. peak hour and would continue to operate at LOS F in the p.m. peak hour.
- Alabama Street/Cemex Access. The intersection would continue to operate at LOS F during the p.m. peak hour.
- SR-210 (SR-30) Northbound Ramps/5th Street. The intersection would continue to operate at LOS F in the a.m. peak hour.
- SR-210 (SR-30) Southbound Ramps/5th Street. The intersection would continue to operate at LOS F in the a.m. and p.m. peak hour.
- Boulder Avenue/Greenspot Road. The intersection would continue to operate at LOS F in both the a.m. and p.m. peak hours.
- Orange Street-Boulder Avenue/Cemex Access. The intersection would change from LOS F to LOS E in the a.m. peak hour and continue to operate at LOS F in the p.m. peak hour.

The Proposed Action/Projects includes a new means of access for trucks, and the LOS at the following four intersections would improve, resulting in beneficial impacts.

- Palm Avenue/5th Street;
- Palm Avenue/3rd Street;
- Boulder Avenue/Greenspot Road; and
- Orange Street-Boulder Avenue/Cemex Access.

The intersection geometric and control improvements portrayed in Figure 4.7-1 of the EIR would result in satisfactory LOS at these intersections, for both the year 2030 background and year 2030 background with Proposed Action/Projects scenarios. Although the four intersections are forecast to operate at a deficient LOS in 2030, the Proposed Action/Projects contribute to the reduction of delay times at these intersections. Delay times are not reduced substantially to maintain a satisfactory LOS, but are reduced or maintained to improve or maintain LOS over the background condition. While an improvement at these intersections occurs, they continue to operate at a failing LOS; therefore, mitigation is required as outlined below.

MM TRAFFIC-1 Robertson's aggregate processing plant shall control the distribution of commercial haul trucks on local streets to ensure that no new peak hour vehicle trips are generated. Peak hours are 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

MM TRAFFIC-2 Within one year of the issuance of a Conditional Use Permit (CUP) for the new mining areas or as otherwise specified in the CUP, the following improvements shall be constructed by the permit proponent:

Third Street: Widen and extend 3rd Street from Palm Avenue to connect to 5th Street at the intersection of Church Avenue/5th Street. Convert 3rd Street to a one-way street traveling east consistent with the City of Highland's planned roadway network and conceptual drawings of 5th Street provided by the City.

Church Avenue/5th Street: Add a northbound free right-turn lane corresponding to the 3rd Street connection. Restripe the east leg of the intersection to a six-lane roadway. The restriping to six lanes can be accommodated within the existing right-of-way and is consistent both with the City of Highland's General Plan roadway network and conceptual drawings of 5th Street provided by the City. Add a southbound leg to the intersection corresponding to the 3rd Street connection.

Truck Traffic and 5th Street Access Road: Truck traffic shall conform to Access Alternative D. This truck traffic pattern shall be maintained in order to ensure the safe operation of traffic on 5th Street and enforced by the City of Highland.

MM TRAFFIC-3 Within one year of the issuance of a Conditional Use Permit (CUP) for the new mining areas or as specified in the CUP, the permit applicant shall pay all applicable City development impact fees for regional and local circulation and

CMP fair-share fees based on current construction costs estimated at time of payment. Based on the year 2030 analysis prepared for this FEIS/SEIR, year 2030 intersection impacts can be mitigated with implementation of the following specific improvement measures, which shall be in place by year 2030:

Palm Avenue/5th Street: Add a westbound left-turn lane.

Palm Avenue/3rd Street: Add a northbound right-turn lane. Restripe the rightmost northbound through lane as a shared through/right-turn lane. Widen the east leg of the intersection to accommodate two departure lanes.

Boulder Avenue/Greenspot Road: Restripe the southbound right-turn lane as a shared through/right-turn lane. Add a northbound left-turn lane.

Orange Street-Boulder Avenue/Cemex Access: Add a northbound through lane and a southbound through lane.

Alabama Street-Robertson's Access-Cemex Access: Install a traffic signal and add a northbound through lane and a southbound through lane.

With the implementation of Mitigation Measures MM TRAFFIC-1 through MM TRAFFIC-3, the above listed intersections would operate at a satisfactory LOS of C and impacts are reduced to a less than significant level.

Year 2030 With Proposed Action/Projects Conditions (Freeway Ramp Intersections) Traffic and LOS Impacts

The following two freeway ramp intersections are forecast to operate below acceptable LOS standards with increases in the delay times as a result of the Proposed Projects:

- SR-210 (SR-30) Southbound Ramps/5th Street; and
- SR-210 (SR-30) Northbound Ramps/5th Street.

Because aggregate mining and operations would result in potentially significant impacts to freeway ramp intersections in year 2030 With Proposed Action/Projects Conditions, mitigation is required and outlined below.

MM TRAFFIC-4 Within one year of the issuance of a Conditional Use Permit (CUP) for the new mining areas or as specified in the CUP, the permit applicant shall pay all applicable City development impact fees for regional and local circulation and CMP fair-share fees based on current construction costs estimated at time of payment. Based on the year 2030 analysis prepared for this FEIS/SEIR, year 2030 impacts can be mitigated with implementation of the following specific improvement measures, which shall be in place by year 2030:

SR-210 (SR-30) Southbound Ramps/5th Street. Widen 5th Street to two eastbound through lanes, an eastbound shared through/right-turn lane, a dedicated eastbound right-turn lane, three westbound through lanes, and two westbound left-turn lanes. Provide storage length for turn lanes per the traffic study. This improvement is consistent both with the City of Highland's General Plan roadway network and conceptual drawings of 5th Street provided by the City. This improvement would require widening of Greenspot Road under the SR-210 (SR-30) bridge from 80 feet to 110 feet or more.

SR-210 (SR-30) Northbound Ramps/5th Street. Widen 5th Street to three eastbound through lanes, an eastbound left-turn lane, two westbound through lanes, and a westbound shared through-right-turn lane (wide enough for de facto right-turn lane). Add a northbound left-turn lane to the off-ramp.

Widening of 5th Street to six lanes is consistent both with the City of Highland's General Plan roadway network and conceptual drawings of 5th Street provided by the City. Provide storage length for turn lanes per the traffic study. These improvements would require widening of Greenspot Road under the SR-210 (SR-30) bridge from 80 feet to 110 feet or more. Approximately 12 feet of additional right-of-way would also be required on the south leg of the intersection unless Caltrans approval to re-stripe the off-ramp is obtained.

With implementation of the recommended improvements in Mitigation Measure MM TRAFFIC-4, the minimum LOS standards would be maintained at the freeway ramp intersections where significant Project impacts are identified. Furthermore, the Project would be responsible for contributing to the City's traffic and signal impact fees. Therefore, a less than significant impact would occur with implementation of recommended improvements and impact fees.

Year 2030 with Proposed Action/Projects Conditions (Freeway Segments) Traffic and LOS Impacts

With the addition of Proposed Action/Projects traffic to the year 2030 background scenario, freeway LOS at all segments would operate at less than the minimum service standard:

- SR-210 (SR-30) Northbound 5th Street Off-Ramp Influence Area. This segment would continue to operate at LOS F conditions.
- SR-210 (SR-30) Northbound 5th Street On-Ramp Influence Area. This segment would continue to operate at LOS F conditions.
- SR-210 (SR-30) Southbound 5th Street Off-Ramp Influence Area. This segment would continue to operate at LOS F conditions.

- SR-210 (SR-30) Southbound 5th Street On-Ramp Influence Area. This segment would continue to operate at LOS F conditions.

Because aggregate mining and operations would result in potentially significant impacts to freeway segments in year 2030 With Proposed Action/Projects conditions, mitigation is required.

However, because improvements to the freeway segments are under the authority of Caltrans, there is no mechanism for development Project proponents to pay fees or make fair-share contributions toward improving mainline freeway lanes. Fees collected by Highland would be used for the improvement of intersections and freeway ramps. Even if there were such a mechanism to collect fees for mainline freeway lanes, there would be no way to ensure that such payments would be directed to a specific freeway improvement project. Consequently, there are no feasible mitigation measures for these impacts. Impacts would remain significant and unavoidable until such time as the Caltrans or co-sponsor can install the improvements. Because freeway segment modifications are controlled by Caltrans, the schedule of completing improvements is not in the hands of local agencies or private sponsors. No feasible mitigation exists. Potential impacts to these freeway segments are significant and unavoidable.

With implementation of Mitigation Measures MM TRAFFIC-1 through MM TRAFFIC-4 impacts to local City and freeway ramp intersections from expanded aggregate mining operations are reduced to less than significant levels. Impacts to freeway segments, SR-210 (SR-30) northbound and southbound 5th Street on- and off-ramp influence areas, are significant and unavoidable as no feasible mitigation exists. The Proposed Projects would not conflict with plans, ordinances or policies related to the performance of the circulation system or programs regarding public transit, bicycle or pedestrian facilities. The Proposed Projects would not result in a change in air traffic patterns or safety risks, an increase in hazards, or result in inadequate emergency access. Potential impacts associated with these topics are less than significant.

Aggregate mining and processing activities would result in potentially significant impacts to the following freeway segments: SR-210 (SR-30) northbound 5th Street on- and off-ramp influence areas; and SR-210 (SR-30) southbound 5th Street on- and off-ramp influence areas.

Because improvements to the freeway segments are under the authority of Caltrans, there is no mechanism for development Project proponents to pay fees or make fair-share contributions toward improving mainline freeway lanes. Fees collected by the City of Highland would be used for the improvement of intersections and freeway ramps. Even if there were such a mechanism to collect fees for mainline freeway lanes, there would be no way to ensure that such payments would be directed to a specific freeway improvement project. Consequently, there are no feasible mitigation measures for these impacts. Impacts would remain significant and unavoidable until such time as the Caltrans or cosponsor can install the improvements. Because freeway segment modifications are controlled by Caltrans, the schedule of completing improvements is not in the hands of local agencies or

private sponsors. Thus, no feasible mitigation exists for this impact, and potential adverse impacts remain significant and unavoidable.

Support for this environmental impact conclusion is included in Section 4.7, *Transportation Systems and Traffic*, and in particular, pages 4.7-2 to 4.7-10 of the Final EIR and any documents referenced or incorporated by reference therein.

Visual Resources

VIS-2: The proposed project could substantially degrade the existing visual character or quality of the site and its surroundings. [Threshold VIS-2]

The Final EIR identifies a significant and unavoidable impact with respect to the degradation of the existing visual character or quality of the Project site and its surroundings.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures identified in the Final EIR.

Although changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of insignificance. Pursuant to CEQA Guidelines Section 15093, therefore, the District has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations.

Facts in Support of Finding

Disturbances to the views of the Plan Area from continuing and expanded mining operations would mainly affect near views from areas of public access (i.e., I-210, Alabama Street, Orange Street). Views of the Plan Area from public roads are considered a visual resource. Near views are considered to be points of view that are observed within a close range. Prime views are defined as the views of the mountains, which form the backdrop of the Plan Area, and implementation of the Proposed Action/Projects would not change these views.

During the period between initial disturbances for expanded aggregate mining and when reclamation activities are completed, near views and the existing visual character and quality of the Plan Area will be substantially and adversely affected. Expanded mining would result in temporary significant and unavoidable impacts to visual resources in the Plan Area. Mitigation measures are outlined below to minimize impacts from expanded aggregate mining as much as possible.

To shield the proposed expansion of the quarry pits from public view and maintain the existing landscape as much as possible, the following mitigation measures shall be implemented:

MM VIS-1 Prior to initiating grading for expanding mining pits/quarries east and west of Boulder Avenue and Orange Street a berm shall be constructed and maintained by the mining operator closest to these roadways. The berm shall be planted with vegetation consistent with the natural community throughout the Plan Area (Riversidean Alluvial Fan Sage Scrub “RAFSS”) and approved by the Conservation District. Berm and landscaping plans shall be submitted to the Conservation District and the City of Highland for review and approval.

MM VIS-2 Trees at least 15 gallons in size and of a species native to the Plan Area shall be planted by the mining operator along the western edge of the SR-210 freeway Right-of-Way on Conservation District owned property within six months following the issuance of mining permits. These trees shall be placed 15 feet apart to allow for unrestricted growth but ensuring that views of the quarry are blocked from passing motorists on SR-210. The mining operator shall submit landscaping plans to the City of Highland and the City of Redlands for review and approval prior to quarry expansion. The trees shall be maintained for the life of the quarry and replaced, if necessary, by the mining operator.

MM VIS-3 Trees of a species native to the Plan Area shall be planted along the eastern edge of the Alabama Street Quarry, where space is available that parallels SR-210. These trees shall be 15 feet apart to ensure unrestricted growth while ensuring that views of the quarry are blocked from passing motorists on SR-210. The mining operator shall draw plans for such trees and plantings and submit landscaping plans to the City of Highland and the City of Redlands for review and approval prior to quarry expansion. The trees shall be maintained for the life of the quarry and replaced, if necessary, by the mining operator.

MM VIS-4 The slopes of the quarries shall be reclaimed upon the completion of mining activities and re-vegetated per the approved Reclamation Plans by the mining operators. This shall be done with species common to the RAFSS and approved by the Conservation District and the Cities of Highland and Redlands. During the period between initial disturbances for expanded aggregate mining and when reclamation activities are completed, near views and the visual quality of the Plan Area will be substantially and adversely affected.

Implementation of Mitigation Measures MM VIS-1, MM VIS-2, MM VIS-3, and MM VIS-4 would reduce visual impacts to the greatest extent possible. However, even after implementation of these mitigation measures, active mining operations would substantially degrade the visual quality of the site until reclamation is complete, and these impacts are significant and unavoidable.

As the Proposed Projects include the expansion of areas being mined for aggregate, there would be effects on visual resources within these immediate areas. This would include new open pits and associated haul roads. The majority of these roads would be located outside of the public view, with the exception of places where they are concurrent with existing public roads and where they cross under the freeway.

The expansion of mining activities in the Plan Area would be visible in the foreground/middleground. The expanded mining pits and associated haul roads are located at a lower elevation than viewers traveling along the main roadways and freeway that crosses the Plan Area. These disturbances would have an adverse visual effect on the landscape by creating larger areas that are disturbed, and the natural vegetation removed. However, reclamation of these sites after the cessation of mining activities would help restore the visual character and quality to a more natural state and to blend in and resemble more closely the surrounding undisturbed areas. Expansion of aggregate mining activities would not result in a significantly different aesthetic imprint as the expanded areas will be located adjacent to and in between existing pits and not in new areas that are relatively undisturbed in the more central and eastern portions of the Plan Area.

There would be construction of additional haul roads associated with the increase in mining activities in the Plan Area. The majority of these roads would be located outside of the public view behind patches of native habitat, with the exception of places where they are concurrent with or cross under existing public roads and the SR-210 freeway.

The greatest impact to the existing visual character of the Plan Area is during construction and operation of aggregate mining pits which can be seen by the general public driving on Alabama Street, SR-210 freeway, and Boulder Avenue/Orange Street. During the period between initial disturbances for expanded aggregate mining and when reclamation activities are completed, near views of the Plan Area will be substantially and adversely affected. Implementation of Mitigation Measures MM VIS-1, MM VIS-2, MM VIS-3, and MM VIS-4 would reduce visual impacts to the greatest extent possible. However, even after implementation of these mitigation measures, active mining operations would substantially degrade the visual quality of the site until reclamation is complete, and these impacts are significant and unavoidable.

Impacts to visual resources in the Plan Area from the Proposed Action/Projects are less than significant, with the exception of aggregate mining expansion. However, during the period between initial disturbances for expanded aggregate mining and when reclamation activities are completed, near views and the visual character and quality of the Plan Area will be substantially and adversely affected, even after implementation of these mitigation measures.

Support for this environmental impact conclusion is included in Section 4.8, *Visual Resources*, and in particular, pages 4.8-2 to 4.8-9 of the Final EIR and any documents referenced or incorporated by reference therein.

VIS-3: The proposed project could substantially degrade scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. [Threshold VIS-3]

The Final EIR identifies a significant and unavoidable impact with respect to the degradation of scenic resources.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures identified in the Final EIR.

Although changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the Final EIR, there are no feasible mitigation measures which can mitigate these impacts to a level of insignificance. Pursuant to CEQA Guidelines Section 15093, therefore, the District has balanced the benefits of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reason stated in the Statement of Overriding Considerations.

Facts in Support of Finding

Disturbances to the views of the Plan Area from continuing and expanded mining operations, would mainly affect near views from areas of public access (i.e., I-210, Alabama Street, Orange Street). Views of the Plan Area from public roads are considered a visual resource. Near views are considered to be points of view that are observed within a close range. Prime views are defined as the views of the mountains, which form the backdrop of the Plan Area, and implementation of the Proposed Action/Projects would not change these views.

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MM VIS-4 The slopes of the quarries shall be reclaimed upon the completion of mining activities and re-vegetated per the approved Reclamation Plans by the mining operators. This shall be done with species common to the RAFSS and approved by the Conservation District and the Cities of Highland and Redlands. During the period between initial disturbances for expanded aggregate mining and when reclamation activities are completed, near views and the visual quality of the Plan Area will be substantially and adversely affected.

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As the Proposed Projects include the expansion of areas being mined for aggregate, there would be effects on visual resources within these immediate areas. This would include new open pits and associated haul roads. The majority of these roads would be located outside of the public view, with the exception of places where they are concurrent with existing public roads and where they cross under the freeway.

The expansion of mining activities in the Plan Area would be visible in the foreground/middleground. The expanded mining pits and associated haul roads are located at a lower elevation than viewers traveling along the main roadways and freeway that crosses the Plan Area. These disturbances would have an adverse visual effect on the landscape by creating larger areas that are disturbed, and the natural vegetation removed. However, reclamation of these sites after the cessation of mining activities would help restore the visual character and quality to a more natural state and to blend in and resemble more closely the surrounding undisturbed areas. Expansion of aggregate mining activities would not result in a significantly different aesthetic imprint as the expanded areas will be located adjacent to and in between existing pits and not in new areas that are relatively undisturbed in the more central and eastern portions of the Plan Area.

There would be construction of additional haul roads associated with the increase in mining activities in the Plan Area. The majority of these roads would be located outside of the public view behind patches of native habitat, with the exception of places where they are concurrent with or cross under existing public roads and the SR-210 freeway.

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Impacts to visual resources in the Plan Area from the Proposed Action/Projects are less than significant, with the exception of aggregate mining expansion. However, during the period between initial disturbances for expanded aggregate mining and when reclamation activities are completed, near views and the visual character and quality of the Plan Area will be substantially and adversely affected, even after implementation of these mitigation measures.

Support for this environmental impact conclusion is included in Section 4.8, *Visual Resources*, and in particular, pages 4.8-2 to 4.8-9 of the Final EIR and any documents referenced or incorporated by reference therein.

D. Findings on Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to “recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

None of the additional information that has been added to the Final EIR changes the conclusions on environmental impacts or mitigation contained in the Draft EIR. Rather, such information merely clarifies and confirms the information contained in the EIR by adding additional context to the determinations made therein. As such, recirculation of the EIR is not required.

E. Findings on Project Alternatives

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. A full alternatives analysis was contained in the 2008 EIR. While the supplemental EIR focused on comparing the proposed project with the project evaluated in the 2008 EIR, it nonetheless considered nine different alternatives, and brought two alternatives, in addition to the Project, forward for detailed analysis.

1. No Action Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate and analyze the impacts of a “No Project” Alternative. In accordance with the *CEQA Guidelines*, “the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The No Action Alternative scenario is described and analyzed to enable the decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

In the No Action Alternative, USFWS would not issue an incidental take permit. Current mining and water conservation would continue. Aggregate mining operations would continue producing up to 6 million tons per year, as permitted, with an average of 4.0 to 4.5 million tons per year (MTPY) of aggregate materials. The total average MTPY is the average production numbers of both Cemex and Robertson’s operations within the Plan Area. The

existing permitted mining would be mined to completion, but no additional mining permitting is presumed.

The HCP would not be permitted. Individual projects within the Plan Area would have to be addressed independently as they are proposed. Synergies from coordinated, comprehensive, and cohesive dedications for species habitat preservation and enhancement reflected in the Wash Plan Preserve would likely be lost, as would the commitments for joint management and funding of such preserve areas proposed as part of the HCP requirements implemented by the Project. Fragmentation of sensitive habitat areas would likely continue or be exacerbated, by serial and sporadic implementation of Covered Activities that are coordinated and jointly mitigated as part of the Project.

Conclusion:

A summary of the impacts of the alternatives considered is set forth in Table ES-1 of the EIR. The analyzed No Action alternative would result in lower emissions than the proposed project's air quality/GHG impacts, however, emissions from ongoing aggregate mining operation would continue, and contribute to existing air quality violations. There would be no traffic impacts and no new permanent or temporary impacts to scenic vistas or to the existing visual character from the No Action Alternative.

None of the project objectives would be achieved under this alternative.

Finding:

This alternative is rejected because it would not accomplish any of the objectives of the proposed project. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

2. 2008 Land Management Plan Alternative

Alternative C, the 2008 Land Management Plan, was prepared by the Conservation District to describe the comprehensive land management strategy for the Plan Area. The 2008 Land Management Plan outlined a plan for how to coordinate and manage the present and future activities in the Wash and balance the ground-disturbing activities of aggregate mining, recreation, water conservation and other public services with preservation of quality, natural habitat for endangered, threatened, and sensitive species. Under this alternative, the Conservation District would prepare an HCP based upon the 2008 Management Plan and submit it to the Service as part of the application for an ITP.

The purpose of the Land Management Plan was to allow the continued use of land and mineral resources while maintaining the biological and hydrological resources of the planning area in an environmentally sensitive manner. The Land Management Plan was intended to coordinate and manage the present and future activities in the plan area, which

are part of multiple jurisdictions, each with different needs. The goal was to balance the ground disturbing activities of aggregate mining, recreational activities, water conservation, and other public services with quality, natural habitat for endangered, threatened, and sensitive species.

The Conservation District prepared an EIR for the 2008 Land Management Plan and it was certified by the Conservation District's Board on November 12, 2008.

Conclusion:

A summary of the impacts of the alternatives considered is set forth in Table ES-1 of the EIR. Under the 2008 Land Management Plan alternative, air quality/GHG impacts would be similar to the proposed project and would remain significant and unavoidable. Similarly, adverse effects from mining on visual resources would be significant and unavoidable. Traffic impacts for this alternative would be similar to the proposed project, and would remain significant and unavoidable. Implementation of this alternative would provide less conservation to address the cumulative impacts to Riversidean Alluvial Fan Sage Scrub (RAFSS) or special status plants, amphibians, reptiles, birds, and small mammal species, American Badger, and migratory birds from implantation of the plan. Thus, impacts to biological resources would be significant and unavoidable.

Under the 2008 Land Management Plan, some of the Project's objectives would be met, but would not meet the objectives, including the following objectives, to the same extent as the proposed Project:

- Conserve and enhance populations of Covered Species and their habitats in the Plan Area by conserving land in a configuration and area sufficient to maintain ecological processes, and protect core habitat areas and the connections between them;
- Avoid and minimize effects on Covered Species and their habitats during Covered Activities; and
- Actively manage conserved lands within the Plan Area for the benefit of Covered Species, including control of invasive plant species, selective vegetation thinning, revegetation, development of specific habitat enhancement projects, and species and habitat monitoring.

Finding:

This alternative is rejected because it would not accomplish the objectives for the proposed project to the extent of proposed project, and would not reduce significant and unavoidable impacts, as compared to the proposed project. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

F. Comments Received on Draft EIR

The District received 13 separate sets of written comments on the Draft EIR. The District prepared detailed responses to all comments, which are incorporated into the Responses to Comments section of the Final EIR. All of the information included in the Responses to Comments merely clarifies, amplifies or makes insignificant modifications to an already adequate DEIR, and thus, does not constitute significant new information, as defined by CEQA Guidelines Section 15088.5, which would require recirculation of the EIR.

References: Appendix G of the Final EIR.

G. Findings Regarding Growth-Inducing Impacts

The California Environmental Quality Act requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, §21100, subd. (b)(5); CEQA Guidelines, § 15126, subd. (d), 15126.2, subd (d).)

The Proposed Action/Projects do not include the construction of housing that would directly increase the population in the Plan Area or surrounding areas.

The Proposed Action/Projects would allow for expanded mining production and associated new jobs. However, the expanded mining is not expected to have a substantial increase in jobs that would foster economic growth and indirectly foster population growth. The Plan Area is located in a region of Southern California with a poor jobs-to-housing ratio. Thus, it is anticipated that any new jobs generated by the Proposed Action/Projects would offer the prospect of being filled by existing residents in the region, and in any event would likely improve local job housing ratios.

The other Proposed Projects (construction of new wells, flood control, street improvement, and drainage facilities and maintenance of these types of facilities) are not expected to generate substantial new jobs, as much of this work is anticipated to be completed by individuals already living in the region and employed by the Conservation District, the Cities of Redlands and Highland, the County of San Bernardino or construction companies that complete contract work from these agencies.

Within the Plan Area, the local governmental entities with jurisdiction over land uses are the City of Highland, City of Redlands and the County of San Bernardino. Any future development within the Cities of Redlands and Highland and the County of San Bernardino are guided by their respective General Plans.

The expanded mining would support growth in the region by providing locally available aggregate for construction of development projects. The expansion of aggregate mining is in response to the demand for aggregate products created by existing population growth in the region.

The Proposed Action/Projects are not anticipated to foster substantial economic or residential growth in the region; potential impacts from growth inducement are less than significant.

References: EIR, p. 4.13-30.

H. Findings Regarding Significant Irreversible Environmental Changes

CEQA Guidelines § § 15126, subd. (c), 15126.2, subd. (c), 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the Project be implemented.

Air Quality

Operational emissions of NOX, PM10, and PM2.5 would not exceed the SCAQMD thresholds; however, mitigation measures will be implemented and the Project would have a cumulatively considerable net increase in emissions leading to the potential for long term degradation of air quality or delay in the attainment of regional objectives. .

Geology and Mineral Resources

The expanded mining activities would continue to extract aggregate from the Plan Area. This aggregate is used for construction throughout the region and is not retrievable, **unless recycled**. Although the natural alluvial processes of the Santa Ana River would result in the transport of aggregate resources from upstream areas into the Plan Area, the time it would take to replenish the aggregate being removed is so much greater than the rate of extraction that the expanded mining activities are also considered an irreversible commitment of resources.

Hydrology and Water Quality

Although implementation of the Mining and Reclamation Plans will help restore some of the riverine hydraulic function and values of quarried areas, the mining activities are considered an irreversible commitment of resources as the riverine hydraulic functions and values for habitat are lost for at least the period of the permit, and the time required for reclamation measures to become effective. Filling the quarries with aggregate through the natural hydrology of the alluvial process would be required to fully restore the riverine hydraulic functions and values of the quarried areas, which could take hundreds of years or more. The conversion of areas from natural or disturbed-natural to developed from construction of wells, recharge basins, haul route and roadway expansions is considered an irretrievable and irreversible commitment of natural hydraulic functions.

Biological Resources

The modification to the Santa Ana River, Plunge Creek and City Creek washes, floodplains and associated habitats from expansion of mining activities are considered an irretrievable commitment of resources as they are lost for an extended period of time. The riverine areas

in the Plan Area support habitat for federally listed threatened or endangered species. Although implementation of the Mining and Reclamation Plans will complement some of the riverine function and values of quarried areas, the mining activities are considered an irreversible commitment of resources as the riverine functions and values are lost for the duration of mining activity, until reclamation is complete. . Filling the quarries with aggregate through the natural alluvial process would be required to fully restore the riverine functions and values of the quarried areas, which could take hundreds of years or more.

Although the construction activities (wells, new recharge basins, mining haul route, roadway expansions) will not affect large areas they will result in the permanent alteration by removal of any vegetation, compaction of the soils or installation of pavement, concrete and/or rip-rap. The conversion of these areas from natural or disturbed-natural to developed is considered an irretrievable and irreversible commitment of habitat.

Visual Resources

The expansion of mining activities and construction of various projects (wells, new haul road, expanded roadways, recharge basins) in the Plan Area would primarily affect near views, which are considered to be points of view that are observed at close range. Prime views, those that are considered to be scenic views of the mountains, would not be affected by the proposed Covered Activities. During the period between initial disturbances for expanded aggregate mining and when reclamation activities are completed, near views and the existing visual character and quality of the Plan Area will be substantially and adversely affected. Expanded mining would result in temporary significant and unavoidable impacts to visual resources in the Plan Area. .

Cultural Resources

Proposed Projects such as aggregate mining, new recharge basins, well and pipeline infrastructure, would include grading or excavation. Thus, the vertical APE includes all subsurface areas where archaeological deposits could be affected. Implemented mitigation measures would greatly reduce the potential for irreversible and/or irretrievable commitments of resources.

References: EIR, p. 4.13-24 to 4.13-26.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and *CEQA Guidelines* Section 15093, the District has balanced the benefits of the proposed project against the following significant and unavoidable impacts associated with the proposed project and has adopted all feasible mitigation measures with respect to air quality, greenhouse gas emissions, and visual resources. The District also has examined alternatives to the proposed project. None of the alternatives analyzed in the EIR concurrently meet the project objectives and is environmentally preferable to the project.

Regarding a Statement of Overriding Considerations, *CEQA Guidelines* Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

A. BACKGROUND

CEQA requires decision makers to balance the benefits of the proposed project against its significant unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the significant unavoidable adverse effects, those effects may be considered “acceptable” (*CEQA Guidelines* Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (*CEQA Guidelines* Section 15093[b]). The agency’s statement is referred to as a Statement of Overriding Considerations.

The following sections provide a description of each of the project's significant and unavoidable adverse impacts and the justification for adopting a Statement of Overriding Considerations.

B. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The following impacts of the proposed project are considered significant, unavoidable, and adverse based on the Draft EIR, Final EIR, Mitigation Monitoring and Reporting Program, and the findings discussed in Section II, *Findings and Facts*, of this document.

Air Quality and Greenhouse Gas Emissions

- The Project's contribution to long-term regional impacts related to NO_x, PM₁₀, and PM_{2.5} is considered to be a significant and unavoidable impact. The Proposed Project would potentially result in significant and unavoidable cumulative impacts on air quality.
- The Project would result in potentially significant impacts related to exposure of substantial pollutant concentrations to sensitive receptors.
- The Project's contribution to GHG emissions would be cumulatively considerable and unavoidable based upon CEQA guidelines.

Transportation Systems and Traffic

- The Project would result in significant and unavoidable impacts to the following freeway segments: SR-210 (SR-30) northbound 5th Street on- and off-ramp influence areas; and SR-210 (SR-30) southbound 5th Street on- and off-ramp influence areas.

Visual Resources

- The Project would substantially degrade the existing visual character or quality of the site and its surroundings, resulting in a significant and unavoidable impact.
- The Project would substantially degrade scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway, resulting in a significant and unavoidable impact.

C. CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the District has determined that the significant, unavoidable, adverse environmental impacts identified above are considered "acceptable" due to the following

specific considerations, which outweigh the significant, unavoidable, adverse environmental impacts of the proposed project.

Incorporates Mitigation Measures and Alternatives Analysis

The District finds that all feasible mitigation measures have been imposed to lessen project impacts; and furthermore, that the alternatives to the project which were identified in the EIR would not meet the project objectives to the same extent as the proposed project and would result in an increase in identified environmental impacts.

Ensures the Continued Ability of the District to Replenish the Basin

The Project includes and allows for water conservation and management activities needed to support the District's core function of conservation/recharge of water into the Bunker Hill groundwater basin for consumptive use, the monitoring of groundwater basins, and pumping to meet customer demands. The role of local groundwater, and the availability of local facilities for the storage of imported water into local groundwater basins, is a key component to long-term water supply availability in the face of growth, and the unreliability and intermittent availability of imported water supplies. The Project thus helps ensure a stable supply of water needed for agricultural, municipal, and industrial purposes.

Preserves and Protects Covered Species and Their Habitats

The project will result in conservation of additional Covered Species (specifically, San Bernardino kangaroo rat, California gnatcatcher, cactus wren, slender-horned spineflower and Santa Ana River woolly-star) and their habitat beyond the existing conservation, resulting in a net benefit to these Covered Species populations. With the HCP, 73 percent (1,529.9 acres) of the extant Riversidean alluvial fan sage scrub will be conserved and/or managed, resulting in significant expansion of the existing preserved lands within the Upper Santa Ana River Wash.

In addition to conserving extant habitat and populations, implementation of the Proposed Project will result in restoration to increase Covered Species' populations, including establishment of six new patches of spineflower, eight new cactus patches suitable for cactus wren nesting, and habitat management actions (e.g., invasive weed treatment) to restore habitat for all five of the Covered Species. The Wash Plan also requires a study to evaluate removal of a segment of existing levee to restore ecological processes associated with the Santa Ana River and creation of a crossing suitable for SBKR over an existing groundwater recharge basin to improve connectivity. Restoration will enhance the biological value of the HCP Preserve, creating a more cohesive conservation area and minimizing potential fragmentation and edge effects. This approach will ensure that the Proposed Project will fully mitigate potential impacts and result in a net conservation benefit for Covered Species individuals and habitats.

The HCP Preserve will be conserved, monitored and managed for the Covered Species in perpetuity. Benefits associated with monitoring and management include increased stability and quality of habitat and decreased disturbance, harm, injury, and mortality.

Provides Economic Benefits

The Project would allow for expanded mining production and associated new jobs. The Plan Area is located in a region of southern California with a poor jobs-to-housing ratio, Thus, it is anticipated that any new jobs generated by the Project offer the prospect of being filled by existing residents in the region, and in any event would likely improve local job housing ratios. . Expanded mining will also provide local aggregate to support local construction, which is important because of the costs to haul and transport such bulky commodities, and the traffic, air quality, and hazards implicated in transporting such aggregate over long distances, from more remote production areas

D. CONCLUSION

Pursuant to Public Resources Code Section 21081(b) and the Guidelines Section 15093, the District has balanced the project's benefits against the significant unavoidable project impacts. The District finds that the benefits of implementing the proposed Project outweigh the project's significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the project's benefits. The District finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project's significant unavoidable impacts.

G.2 MITIGATION MONITORING PROCEDURES

The mitigation monitoring and reporting program has been prepared in compliance with PRC Section 21081.6. It describes the requirements and procedures to be followed by the San Bernardino Valley Water Conservation District (District) to ensure that all mitigation measures adopted as part of the proposed Upper Santa Ana River Wash Habitat Conservation Plan (proposed Project) will be carried out as described in this EIS/SEIR.

Table G.1 lists each of the mitigation measures specified in this EIS/SEIR and identifies the party or parties responsible for implementation and monitoring of each measure.

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
4.1 Air Quality		
MM AQ-1 The mining operators, Cemex and Robertson's, shall comply with Article 4.8 <i>In-Use Off- Road Diesel-Fueled Fleets</i> , Section 2449 <i>Emission Standards for In-Use Off-Road Diesel- Fueled Fleets</i> and any other applicable, subsequent rules, regulations, and requirements to the extent that is technologically feasible.	Cemex, Robertson's	Prior to issuance of any construction permits and ongoing during construction
MM AQ-2 The mining operators, Cemex and Robertson's, shall comply with CARB idling restriction requirements for diesel-fueled vehicles to idle for more than 5 minutes.	Cemex, Robertson's	Prior to issuance of any construction permits and ongoing during construction
MM AQ-3 Notify area schools when production reaches 6 MTY and mining entities will assist them in implementing maintenance and limiting increase in exposure.	Cemex, Robertson's	When production reaches 6 MTY
MM AQ-4 The two operators, Cemex and Robertson's, shall schedule transportation of material such that both operators are not transporting material on the same day from the south half of the southeast quarter of Section 11, which is the area farthest from both processing plants.	Cemex, Robertson's	Prior to issuance of any construction permits and ongoing during construction
4.2 Geology and Mineral Resources		
The proposed Project would not result in any potentially significant impacts to geology and mineral resources. No mitigation is required.		
4.3 Hydrology and Water Quality		
HYD MM-1: Minimization of Construction Activity in Waters	Permittees and Participating	Prior to issuance of any construction permits and

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>Construction activity and access roads will be minimized to the extent practicable in all drainages, streams, pools, or other features that could be under the jurisdiction of the USACE, State Water Board, and/or CDFW. If impacts on these features are identified, a formal jurisdictional delineation and permit applications to the regulatory agencies may be required.</p>	<p>Entities</p>	<p>ongoing during construction and operation</p>
<p>HYD MM-2: Reduction of Runoff and Siltation and Pollution Prevention</p> <p>When stream flows must be diverted, the diversions will be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing of other sediment trapping materials will be installed at the downstream end of construction activity to minimize the transport of sediments off site. Settling ponds where sediment is collected will be cleaned out in a manner that prevents the sediment from reentering the stream. Care will be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.</p> <p>Erodible fill material will not be deposited into water courses. Brush, loose soils, or other similar debris material will not be stockpiled within the stream channel or on its banks.</p> <p>Covered Activities near to or within the HCP Preserve or other natural areas will incorporate plans to ensure that runoff discharged is not altered in an adverse way when compared with existing conditions, which includes landscape irrigation.</p> <p>Stormwater systems will be designed to prevent the release of sediments, toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processes within the HCP Preserve.</p>	<p>Permittees and Participating Entities</p>	<p>Prior to issuance of any construction permits and ongoing during construction and operation</p>
<p>HYD MM-3: Prevention of Water Pollution from Toxic Materials</p> <p>Covered Activities within or adjacent to the HCP Preserve or other natural areas that use chemicals (herbicides, rodenticides, insecticides) or generate byproducts that are potentially toxic or</p>	<p>Permittees and Participating Entities</p>	<p>Prior to issuance of any construction permits and ongoing during construction and operation</p>

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>may adversely affect wildlife and plant species, habitat, or water quality will incorporate measures to ensure that application of such chemicals does not result in any discharge to the HCP Preserve or other natural areas.</p> <p>Equipment storage, fueling, and staging areas will be located on upland sites with minimal risks of direct drainage into the HCP Preserve or other natural areas. These designated areas will be located in such a manner as to prevent any runoff from entering sensitive habitat including riparian areas. Precautions will be taken to prevent the release of toxic substance into surface waters. Project-related spills of hazardous materials will be reported to appropriate entities—including but not limited to the applicable jurisdictional city or county, USFWS, CDFW, and RWQCB—and will be cleaned up immediately and contaminated soils removed to approved disposal areas.</p>		
<p>4.4 Biological Resources</p>		
<p>BIO MM-1: Pre-Project Nesting Bird Surveys</p> <p>In order to comply with the relevant sections of the CFGC (e.g., 3503, 3503.4, 3504, 3505, etc.), and to reduce adverse impacts to sensitive birds, any Covered Activities/Proposed Projects that require ground disturbance and/or vegetation clearing should take place outside of the typical avian nesting season (i.e., March 1 to August 30), to the maximum extent practical. However, if ground disturbance and/or vegetation clearing cannot be conducted outside of the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist. The survey shall occur prior to initiation of project activities, and any occupied passerines and/or raptor nests occurring within or adjacent to the project footprint shall be delineated. If an active bird nest is located, the biologist shall establish, implement, and monitor avoidance and minimization measures to ensure compliance with all applicable laws and regulations related to nesting birds. Once nesting has been</p>	<p>Permittees and Participating Entities</p>	<p>Prior to issuance of any construction permits and ongoing during construction and operation, as appropriate</p>

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
determined to cease, the buffer may be removed.		
<p>BIO MM-2: Jurisdictional Permitting</p> <p>Prior to initiating Covered Activities/Proposed Projects with the potential to impact waters of the US/State, a formal Jurisdictional Delineation shall be conducted and if waters of the US/State, including wetlands, cannot be entirely avoided, a 404 permit from USACE, 401 Water Quality Certification from the Regional Water Quality Control Board, and 1600 Streambed Alteration Agreement from CDFW shall be obtained. Project specific mitigation shall be determined with these agencies on a project-by-project basis. Project specific mitigation shall be consistent with the agencies policies and the guidelines at the time permits are obtained for a project. Each project shall mitigate for a minimum of equal or superior function and value of streambed and habitat affected.</p>	Permittees and Participating Entities	Prior to issuance of any construction permits, as appropriate
4.5 Land Use		
The proposed Project would not result in any potentially significant impacts to land use. No mitigation is required.		
4.6 Socioeconomics, Population and Housing, and Environmental Justice		
The proposed Project would not result in any potentially significant impacts to socioeconomics, population and housing, or environmental justice. No mitigation is required.		
4.7 Transportation Systems and Traffic		
<p>MM TRAFFIC-1</p> <p>Robertson’s aggregate processing plant shall control the distribution of commercial haul trucks on local streets to ensure that no new peak hour vehicle trips are generated. Peak hours are 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.</p>	Robertson’s	Prior to issuance of any construction permits and ongoing during construction and operation
<p>MM TRAFFIC-2</p> <p>Within one year of the issuance of a Conditional Use Permit</p>	Cemex and/or Robertson’s per CUP	Within one year of the issuance of a Conditional

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>(CUP) for the new mining areas or as otherwise specified in the CUP, the following improvements shall be constructed by the permit proponent:</p> <p><u>Third Street:</u> Widen and extend 3rd Street from Palm Avenue to connect to 5th Street at the intersection of Church Avenue/5th Street. Convert 3rd Street to a one-way street traveling east consistent with the City of Highland’s planned roadway network and conceptual drawings of 5th Street provided by the City.</p> <p><u>Church Avenue/5th Street:</u> Add a northbound free right-turn lane corresponding to the 3rd Street connection. Restripe the east leg of the intersection to a six- lane roadway. The restriping to six lanes can be accommodated within the existing right-of-way and is consistent both with the City of Highland’s General Plan roadway network and conceptual drawings of 5th Street provided by the City. Add a southbound leg to the intersection corresponding to the 3rd Street connection.</p> <p><u>Truck Traffic and 5th Street Access Road:</u> Truck traffic shall conform to Access Alternative D. This truck traffic pattern shall be maintained in order to ensure the safe operation of traffic on 5th Street and enforced by the City of Highland.</p>		<p>Use Permit (CUP) for the new mining areas or as otherwise specified in the CUP</p>
<p>MM TRAFFIC-3</p> <p>Within one year of the issuance of a Conditional Use Permit (CUP) for the new mining areas or as specified in the CUP, the permit applicant shall pay all applicable City development impact fees for regional and local circulation and CMP fair-share fees based on current construction costs estimated at time of payment. Based on the year 2030 analysis prepared for this FEIS/SEIR, year 2030 intersection impacts can be mitigated with implementation of the following specific improvement measures, which shall be in place by year 2030:</p> <p><u>Palm Avenue/5th Street:</u> Add a westbound left-turn lane.</p> <p><u>Palm Avenue/3rd Street:</u> Add a northbound right-turn lane.</p>	<p>Cemex and/or Robertson’s per CUP</p>	<p>Within one year of the issuance of a Conditional Use Permit (CUP) for the new mining areas or as otherwise specified in the CUP, or by the year 2030 as appropriate</p>

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>Restripe the rightmost northbound through lane as a shared through/right-turn lane. Widen the east leg of the intersection to accommodate two departure lanes.</p> <p><u>Boulder Avenue/Greenspot Road</u>: Restripe the southbound right-turn lane as a shared through/right-turn lane. Add a northbound left-turn lane.</p> <p><u>Orange Street-Boulder Avenue/Cemex Access</u>: Add a northbound through lane and a southbound though lane.</p> <p><u>Alabama Street-Robertson’s Access-Cemex Access</u>: Install a traffic signal and add a northbound through lane and a southbound through lane.</p>		
<p>MM TRAFFIC-4</p> <p>Within one year of the issuance of a Conditional Use Permit (CUP) for the new mining areas or as specified in the CUP, the permit applicant shall pay all applicable City development impact fees for regional and local circulation and CMP fair-share fees based on current construction costs estimated at time of payment. Based on the year 2030 analysis prepared for this FEIS/SEIR, year 2030 impacts can be mitigated with implementation of the following specific improvement measures, which shall be in place by year 2030:</p> <p><u>SR-210 (SR-30) Southbound Ramps/5th Street</u>. Widen 5th Street to two eastbound through lanes, an eastbound shared through/right-turn lane, a dedicated eastbound right-turn lane, three westbound through lanes, and two westbound left-turn lanes. Provide storage length for turn lanes per the traffic study. This improvement is consistent both with the City of Highland’s General Plan roadway network and conceptual drawings of 5th Street provided by the City. This improvement would require widening of Greenspot Road under the SR-210 (SR-30) bridge from 80 feet to 110 feet or more.</p> <p><u>SR-210 (SR-30) Northbound Ramps/5th Street</u>. Widen 5th Street to three eastbound through lanes, an eastbound left-turn lane,</p>	<p>Cemex and/or Robertson’s per CUP</p>	<p>Within one year of the issuance of a Conditional Use Permit (CUP) for the new mining areas or as otherwise specified in the CUP, or by the year 2030 as appropriate</p>

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>two westbound through lanes, and a westbound shared through-right-turn lane (wide enough for <i>de facto</i> right-turn lane). Add a northbound left-turn lane to the off-ramp. Widening of 5th Street to six lanes is consistent both with the City of Highland’s General Plan roadway network and conceptual drawings of 5th Street provided by the City. Provide storage length for turn lanes per the traffic study. These improvements would require widening of Greenspot Road under the SR-210 (SR-30) bridge from 80 feet to 110 feet or more. Approximately 12 feet of additional right-of-way would also be required on the south leg of the intersection unless Caltrans approval to re-stripe the off-ramp is obtained.</p>		
<p>4.8 Visual Resources</p>		
<p>MM VIS-1 Prior to initiating grading for expanding mining pits/quarries east and west of Boulder Avenue and Orange Street, a berm shall be constructed and maintained by the mining operator closest to these roadways. The berm shall be planted with vegetation consistent with the natural community throughout the Plan Area (Riversidean Alluvial Fan Sage Scrub “RAFSS”) and approved by the Conservation District. Berm and landscaping plans shall be submitted to the Conservation District and the City of Highland for review and approval.</p>	<p>Cemex and/or Robertson’s per CUP</p>	<p>Prior to initiating grading for expanding mining pits/quarries east and west of Boulder Avenue and Orange Street</p>
<p>MM VIS-2 Trees at least 15 gallons in size and of a species native to the Plan Area shall be planted by the mining operator along the western edge of the SR-210 freeway Right-of-Way on Conservation District owned property within six months following the issuance of mining permits. These trees shall be placed 15 feet apart to allow for unrestricted growth but ensuring that views of the quarry are blocked from passing motorists on SR-210. The mining operator shall submit landscaping plans to the City of Highland and the City of Redlands for review and approval prior</p>	<p>Cemex and/or Robertson’s per CUP</p>	<p>Within six months of issuance of the mining permits</p>

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>to quarry expansion. The trees shall be maintained for the life of the quarry and replaced, if necessary, by the mining operator.</p>		
<p>MM VIS-3 Trees of a species native to the Plan Area shall be planted along the eastern edge of the Alabama Street Quarry, where space is available that parallels SR-210. These trees shall be 15 feet apart to ensure unrestricted growth while ensuring that views of the quarry are blocked from passing motorists on SR-210. The mining operator shall draw plans for such trees and plantings and submit landscaping plans to the City of Highland and the City of Redlands for review and approval prior to quarry expansion. The trees shall be maintained for the life of the quarry and replaced, if necessary, by the mining operator.</p>	<p>Cemex and/or Robertson's as appropriate</p>	<p>Landscaping plans shall be submitted prior to quarry expansion</p>
<p>MM VIS-4 The slopes of the quarries shall be reclaimed upon the completion of mining activities and re-vegetated per the approved Reclamation Plans by the mining operators. This shall be done with species common to the RAFSS and approved by the Conservation District and the Cities of Highland and Redlands.</p>	<p>Cemex and/or Robertson's per Reclamation Plan</p>	<p>Upon the completion of mining activities</p>
<p>4.9 Cultural Resources</p>		
<p>MM CR-1 To reduce potential adverse impacts from construction of Proposed Projects/Covered Activities on cultural resources (P-36-5526 recommended as a historic property under Section 106 of the NHPA and P-36-6062 recommended potentially eligible for National Register listing and potentially a historic property) one of the following options shall be implemented:</p> <ul style="list-style-type: none"> • Avoidance and Preservation in place. • If avoidance and preservation in place is not feasible, then a Phase III data recovery plan, which provides for adequately 	<p>Permittees and Participating Entities</p>	<p>Prior to issuance of any construction permits and ongoing during construction and operation, as appropriate</p>

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>recovering scientifically consequential information from and about the historic property/historical resource, shall be prepared and adopted prior to any undertaking or project-related excavation.</p>		
<p>MM CR-2 An archaeological monitor shall be present during any proposed earthmoving activities for Proposed Projects. The monitor should work under the direct supervision of a cultural resources professional who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology (the project archaeologist). Prior to commencement of any earthmoving activities, the project archaeologist should attend a pre-construction meeting in order to:</p> <ul style="list-style-type: none"> • Discuss safety procedures; • Become acquainted with essential project personnel; • Inform construction personnel of field methods; and • Confirm avoidance of any National Register or (as necessary) California Register eligible or potentially eligible resources. <p>The monitor should be empowered to divert construction work from any resources set aside for avoidance. The monitor should also be empowered to temporarily halt or redirect construction work in the vicinity of any new find until the project archaeologist can evaluate it. In the event of a new find, salvage excavation and reporting may be required.</p>	<p>Permittees and Participating Entities</p>	<p>Ongoing during earthmoving activities</p>
<p>MM CR-3 If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are prehistoric, the Coroner will notify the Native American Heritage</p>	<p>Permittees and Participating Entities</p>	<p>Ongoing during earthmoving activities</p>

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
Commission (NAHC), which will determine/notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.		
4.10 Noise		
<p>MM NOI-1</p> <p>If construction activities are located within 600 feet from sensitive receptors, a noise and vibration analysis shall be prepared to confirm that construction noise or vibration generated would not exceed standards at the property line of the nearby sensitive receptors. If the noise analysis indicates construction noise generated would exceed ambient standards then is shall identify the design features (such as noise barriers), their location and height, that are required to reduce construction noise to appropriate standards at the property line of nearby sensitive receptors.</p>	Permittees and Participating Entities	Prior to issuance of any construction permits and ongoing during construction and operation, as appropriate
4.11 Hazards		
<p>MM HAZ-1</p> <p>A lead remediation plan shall be prepared prior to any construction activities for the Elder/ Plunge Creek Restoration-Reasonably Foreseeable Project in accordance with DTSC requirements. The plan shall be acceptable to the resources agencies and further consultation with the USFWS and the CDFW in the development of final design drawings to further minimize species and habitat impacts shall occur.</p>	San Bernardino County Flood Control District	Prior to any construction activities for the Elder/Plunge Restoration Reasonably Forseeable Project
4.12 Recreation		
The proposed Project would not result in any potentially significant impacts to geology and mineral resources. No mitigation is required.		

RESOLUTION NO. 579

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY
WATER CONSERVATION DISTRICT
APPROVING THE UPPER SANTA ANA RIVER WASH HABITAT CONSERVATION PLAN
AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
STATEMENT/SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT PREPARED
THEREFOR, AND MAKING CERTAIN FINDINGS RELATIVE THERETO**

WHEREAS, Wash Plan is the result of coordination between local companies and agencies beginning with the Wash Committee which formed in 1993 to evaluate uses of the Wash; and

WHEREAS, in 1997, the goals of the Wash Committee expanded to incorporate inclusion of water, mining, flood control, municipal facilities, and wildlife within the Plan Area, and the Committee itself expanded to include a Policy Action Committee and a Technical Advisory Committee; and

WHEREAS, the Wash Plan Task Force was formed in 2000 to support development of a consensus alternative to then-existing competing uses among mining, water conservation, and habitat preservation and management uses. The Task Force, comprised of the City of Highland, City of Redlands, Redlands Municipal Utilities and Engineering Department, East Valley Water District, San Bernardino County Flood Control District, San Bernardino County Planning and Parks Departments, Robertson's Ready Mix, CEMEX, San Bernardino Valley Municipal Water District and San Bernardino Valley Water Conservation District, and Participating Stakeholders (Bureau of Land Management, U.S. Fish and Wildlife Service, California Department of Fish and Game, Highland Community News, Inland Valley Development Agency, and Endangered Habitats League) undertook development of an EIS/EIR for the land use plan; and

WHEREAS, this effort, led by the San Bernardino Valley Water Conservation District, resulted in adoption of the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan and associated EIR in 2008; and

WHEREAS, in response to public and agency input, the Conservation District revised the Wash Plan to reduce overall project impacts and increase species and habitat conservation in 2014; and

WHEREAS, U.S. Fish and Wildlife Service published a Notice of Intent to prepare a Draft Environmental Impact Statement for the Wash Plan under NEPA in the Federal Register, while the Conservation District published a Notice of Preparation for a Supplemental Environmental Impact Report for the Wash Plan under CEQA; and

WHEREAS, in 2019, President Trump signed the Santa Ana River Wash Land Exchange Act, clearing the way for a land exchange between the Conservation District and BLM to facilitate Wash Plan goals; and

WHEREAS, feedback was solicited during a public comment period for the final Upper Santa Ana River Wash Habitat Conservation Plan and associated draft environmental documents in winter of 2019/2020, and the final Wash Plan and FEIS/SEIR, including responses to comments, were posted to the Conservation District's website on June 19, 2020; and

WHEREAS, The Wash Plan evaluates take for 64 Covered Activities, including 24 new construction/drainage facility projects, 21 operations and maintenance projects, 11 new trail designations, and 8 monitoring and habitat management/enhancement projects. In total, these projects will permanently impact up to 553.3 acres of Riversidean alluvial fan sage scrub (with an additional 80.3 acres of temporary impacts), 0.2 acres of riparian habitats (with an additional 2.7 acres of temporary impacts), 31.8 acres of non-native vegetation (with an additional 16.7 acres of temporary impact), and 30.4 acres of existing features/developed (with an additional 117 acres of temporary impact). To address these impacts, the Wash Plan will provide protection for the Covered Species by conserving and/or managing 1,529.9 acres of native, natural habitats within the Plan Area, (the "Wash Plan Preserve"); and

WHEREAS, the Wash Plan will provide management strategies, goals and funding to preserve and restore habitat for the Covered Species in the Wash Plan Preserve in perpetuity; and

WHEREAS, the Wash Plan and its related EIS/Supplemental EIR represent decades of planning and efforts by the District to reach consensus among local stakeholders, environmental interests, federal and state regulatory agencies, and the public at large to envision and implement a long-range, balanced allocation among critically important mining, habitat preservation and management, and water conservation uses in the sensitive Upper Santa Ana River Wash area, and provides the framework for long range sustainable harmony among all such uses;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AS FOLLOWS:

Section 1. The Board of Directors has reviewed and considered the information in the Final Environmental Impact Statement/Supplemental Environmental Impact Report Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan, State Clearinghouse No. 2015031022, and finds the EIS/SEIR has been completed in compliance with the California Environmental Quality Act and State and Local CEQA Guidelines and reflects the independent judgment and analysis of the District. Accordingly, the District hereby adopts and certifies the Final Environmental Impact Statement/Supplemental Environmental Impact Report, including all responses to written comments thereto.

Section 2. The District hereby adopts and approves the CEQA Findings of Fact and Statement of Overriding Considerations for the Upper Santa Ana River Wash Plan, State Clearinghouse No. 2015031022, including the Statement of Overriding Considerations included therein, and in so doing, affirms that the reasoning, facts, and findings therein reflect the independent judgment of the District.

Section 3. The District hereby finds pursuant to 14 California Code of Regulations' section 15092 that the District has eliminated or substantially lessened all significant effects on the environment where feasible, as shown in such findings made under Section 15091, and determined that any remaining significant effects on the environment are unavoidable under Section 15091, and are acceptable due to overriding concerns as described in Section 15093, and more specifically described therein.

Section 4. The District hereby adopts and approves the Mitigation, Monitoring, and Reporting program attached to the Final Environmental Impact Statement/Supplemental Environmental Impact Report Proposed Habitat Conservation Plan and Section 10 Permit for the Upper Santa Ana River Wash Plan as Appendix G, as the Mitigation Monitoring program for the Project, as required under 14 California Code of Regulations' section 15097.

Section 5. District staff is hereby directed and authorized to prepare and file such documentation needed to complete a Notice of Determination in compliance with Public Resources Code section 21152.

Section 6. The Board hereby approves and adopts the Upper Santa Ana River Wash Habitat Conservation Plan.

Section 7. The General Manager is hereby authorized and delegated signature authority on the various documents relating to the issuance of any Incidental Take Permits (State or Federal), other permits related to implementation of the Upper Santa Ana River Wash Habitat Conservation Plan, and any Implementation Agreement, Memoranda of Understanding, or Certificates of Inclusion in furtherance of such plan, to the General Manager. Such delegated signature authority is limited to those actions and documents as are consistent, as reasonably determined by the General Manager, with the EIS, EIR, and the conditions of Incidental Take Permits or other Permits. Any material variances from these guiding documents would have to be brought back to the Board for review and policy input and approval.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors this 8TH day of July, 2020, by the following roll-call vote:

YES: DIRECTORS:
NO: DIRECTORS:
ABSTAIN: DIRECTORS:
ABSENT: DIRECTORS:
ATTEST:

Richard Corneille, President

Daniel Cozad, Secretary



**San Bernardino Valley
Water Conservation District**
Helping Nature Store Our Water

Memorandum No. 1727

To: Board of Directors
From: Daniel Cozad, General Manager
Date: July 8, 2020
Subject: Amendment to Professional Services Agreement for On-Call Biological Services with Origin Biological

RECOMMENDATION

Staff recommends that the Board amend the Contract Services Agreement for Professional Services (Agreement) with Origin Biological (Consultant) for biological services to increase the not-to-exceed amount by \$176,505.

BACKGROUND AND DISCUSSION

On March 11, 2020, the Board ratified a Contract Services Agreement for Professional Services (Agreement) with Origin Environmental (Mikael Romich, principal) for on-call biological services to an amount not-to-exceed \$100,000. On April 22, 2020, the Board approved Amendment One to the Agreement to increase the not-to-exceed amount by \$143,560 for work related to the pre-paid services agreement for services by the San Bernardino Valley Conservation Trust in support of San Bernardino County Transit Authority (SBCTA), including tasks that require state and/or federal permits for handling San Bernardino kangaroo rat. On May 5, 2020, The San Bernardino Valley Conservation Trust received a second pre-paid services agreement to support SBCTA in the amount of \$52,513.34. In addition, on May 29, 2020, the District received a Safe Harbor Agreement for the Plunge Creek Restoration Project that includes avoidance and minimization measures related to San Bernardino kangaroo rat.

District staff does not possess the state and/or federal permits for handling San Bernardino kangaroo rat, and we seek to utilize the Agreement for such duties.

In order to fulfill these obligations and retain capacity for District projects, staff recommends increasing the not-to-exceed amount of the Agreement by \$176,505. The increase in funds would be utilized as shown in Amendments 2 and 3 below:

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Fax: 909.793.0188
www.sbvwd.org Email: info@sbvwd.org

BOARD OF DIRECTORS

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David E. Raley

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GENERAL MANAGER

Daniel B. Cozad

Contract	Amount	Projects	Funding
On-Call Agreement	\$100,000	Biological support for District and Trust projects	Approved FY21 budget for Professional Services and Wash Plan Year 1 implementation.
Amendment 1	\$143,560	Trust support of SBCTA 210 project	Prepaid Services Agreement from SBCTA to Trust
Amendment 2	\$62,930	Trust support of SBCTA 210 project	Prepaid Services Agreement from SBCTA to Trust
Amendment 3	\$113,575	Plunge Creek Restoration Project Safe Harbor Agreement	Grant and District Capital Reserve programmed for Plunge Creek Restoration Project

FISCAL IMPACT

The increase of \$176,505 will be covered by the pre-paid services agreements from SBCTA to the Trust in the amount of \$62,930, with the remaining \$113,575 paid by the District through the Plunge Creek Restoration Project grant and/or District Capital Reserve funds programmed for the Plunge Creek Restoration Project.

POTENTIAL MOTIONS

1. Amend the Contract Services Agreement for Professional Services with Origin Biological for biological services to increase the not-to-exceed amount by \$176,505.
2. Move to table consideration of the issue and request the Administration and Finance Committee review the item and provide a recommendation.
3. Table the item to a future meeting for consideration.

ATTACHMENTS OR MATERIALS

Amendments 2 and 3 to Professional Services Agreement for On-Call Biological Services by and between the San Bernardino Valley Water Conservation District and Origin Biological

**AMENDMENT TO
CONTRACT SERVICES AGREEMENT
FOR
PROFESSIONAL SERVICES**

THIS SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL BIOLOGICAL SERVICES (“Amendment”) by and between the **SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT**, a California Special District (“SBVWCD” or “District”), and **MIKAEL ROMICH** (“Consultant”), is effective on July 09, 2020 and when signed by District and Consultant (“Effective Date”).

WHEREAS District and Consultant entered into a Contract Services Agreement dated February 24, 2020; and

WHEREAS Consultant has performed under the Agreement, and upon Board approval on July 08, 2020, District wishes to revise the Agreement to include the following tasks for Implementation of Take Minimization Measures in the California Endangered Species Act Incidental Take Permit (No. 2081-2017-062-06) as issued by the California Department of Fish and Wildlife (CDFW) to the State Route 210 Mixed Flow Lane Addition Project as proposed in Attachments 1 and 2.

NOW THEREFORE, the parties hereto agree as follows:

1.0 AMENDMENT TO TERMS OF CONTRACT

1.1 Section 2.1 of the Agreement is hereby amended to read as follows:

Contract Sum. For the services rendered pursuant to this Amendment, the Consultant shall be paid on a time and materials basis for work actually performed, not to exceed a total payment of Sixty Two Thousand Nine Hundred Thirty Dollars (\$62,930.00). Services provided under this agreement.

1.3 Section 5.1 of the Agreement is hereby amended to read as follows:

Term. This Amended Amendment shall be effective from July 09, 2020, and shall continue in full force and effect until completion and approval of the work and services described hereunder (Attachment 1 & 2), unless extended by mutual consent, or until otherwise terminated under Section 6.11 of the Agreement. During the term of this agreement, monthly invoices and progress reports shall be provided by the Consultant.

2.0 REMAINDER OF AGREEMENT UNAFFECTED

2.1 Except as specifically amended by this Amendment, the remainder of the Agreement remains unaffected, and is and shall be in full force and effect throughout the term of this Amendment.

IN WITNESS WHEREOF, the parties have executed and entered into this Amendment and by signature below:

SAN BERNARDINO VALLEY WATER
CONSERVATION DISTRICT

By: _____
Daniel Cozad
General Manager

Date: _____

CONSULTANT: Mikael Romich

By: _____
Mikael Romich

Date: _____



April 23, 2020

Betsy Miller
San Bernardino Valley Conservation Trust
1630 West Redlands Blvd., Suite A
Redlands, California 92373

Subject: Proposal to Implement Take Minimization Measures in the California Endangered Species Act Incidental Take Permit (No. 2081-2017-062-06)

Dear Ms. Miller:

As requested, Mikael Romich is pleased to submit this scope of work and cost to San Bernardino Valley Conservation Trust (Trust) to implement revisions to the Take Minimization Measures in the California Endangered Species Act Incidental Take Permit (No. 2081-2017-062-06) (ITP) as issued by the California Department of Fish and Wildlife (CDFW) to the State Route 210 Mixed Flow Lane Addition Project. This proposal provides a scope and fee to address revisions in the ITP minimization measures concerning the federally endangered and state candidate endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*) (SBKR), and is in complementary to and in addition to the scope of work provided on February 11, 2020.

Additions to Task 2. Soft Release Exclusion (ITP 8.8), in February 2020 SOW

This task involves additional hours for the construction, installation, monitoring, and maintenance of above-ground wire mesh retention cages, as well as care of SBKR for 7-10 days while in the cage.

Additions to Task 3. Supplemental Feeding (ITP 8.9), in February 2020 SOW

This task includes additional hours to broadcast seed at the release site 3 evenings per week for the first month following the removal of the retention cages and once each week thereafter for the next 3 months. Seed will be microwaved for 1-3 minutes before broadcast at the release site to prevent seed germination and alteration of the native vegetation community.

Additions to Task 4. Relocation Monitoring (ITP 8.11), in February 2020 SOW

This task includes additional hours to track the location of the radio transmitted SBKR will

April 2020

be logged until the battery life ends or a maximum of 10 weeks, whichever is less. A total effort of 135 hours has been allotted to radio-tracking, and per the ITP, further coordination with CDFW will occur as to the frequency and duration of the radio tracking activities.

As shown in Table 1 below, the costs for these increased services, in addition to the February scope of work, are \$25,290.

Table 1. Cost Breakdown

Employee	SBKR Biologist	Specialist	GIS	Labor Hours	Labor @ Billing Rates	DIRECT COSTS	Total
Task	80	150	65				
Task 2. Soft Release Exclusion	25			25	2,000.00		2,000.00
Task 3. Supplemental Feeding	33			33	2,640.00	150.00	2,790.00
Task 4. Relocation Monitoring					-		-
Trapping	250			250	20,000.00	500.00	20,500.00
Total Hours	308	0	0	308			
Total Billing	24640	0	0		24,640.00	650.00	25,290.00

Please let me know if you have any questions on this proposal.

Sincerely,



Mikael Romich
Senior Biologist



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originbiology.com



February 11, 2020

Betsy Miller
San Bernardino Valley Conservation Trust
1630 West Redlands Blvd., Suite A
Redlands, California 92373

Subject: Proposal to Implement Take Minimization Measures in the California Endangered Species Act Incidental Take Permit (No. 2081-2017-062-06)

Dear Ms. Miller:

As requested during our discussion on January 30, 2020 and your follow-up emails, Mikael Romich is pleased to submit this scope of work and cost to San Bernardino Valley Conservation Trust (Trust) to Implement Take Minimization Measures in the California Endangered Species Act Incidental Take Permit (No. 2081-2017-062-06) (ITP) as issued by the California Department of Fish and Wildlife (CDFW) to the State Route 210 Mixed Flow Lane Addition Project. This proposal provides a scope and fee for the ITP minimization measures concerning the federally endangered and state candidate endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*) (SBKR). The ITP states that approximately 12 acres (or 5 hectares) of habitat (Project Area) will be temporally lost. This total has been revised to 4.2 acres (1.7 ha.) with project footprint reductions, which has been used to estimate effort in this proposal. The 500-foot buffer of the Project Area is assumed to add an additional 17 acres (7 hectares). The assumed density of SBKR for this proposal is 12 individuals per hectare, resulting in approximately 20 SBKR for the Project Area and 84 SBKR for the buffer. It is assumed that the contractor's small mammal trapping would cover approximately 1 hectare per session. Trapping for 6-nights in the Project Area and 3-nights in the 500-foot buffer is assumed to constitute a trap session.

Task 1. Post-Exclusionary Fencing Installation (ITP 8.7)

Per the ITP, within 7 days following the installation of the exclusionary fence, the following tasks would be completed:

Subtask 1.1 Accompany small mammal trappers-within exclusion fence and 500-foot buffer (ITP 8.7.1, 8.7.2, 8.7.4)

Small mammal trapping shall be conducted by the contractor for the Project Area and a 500-foot buffer. This proposal provides a SBKR biologist to accompany the SBKR trappers to assess all SBKR captured for age, gender, reproductive status, mass, GPS location, notation of new/recapture status, and ear tagging. The SBKR biologist would also transport any SBKR captured in the Project Area to the holding facility. If a lactating female is captured inside the Project Area during morning checks, the SBKR biologist will attempt to determine her burrow

February 2020

location and with a mini camera try to determine if she and/or pups are present. If no kangaroo rats are observed within the burrow, it will be hand excavated to ensure no occupancy. If kangaroo rat pups are observed, CDFW shall be notified at once, and the pups captured and placed in a rodent carrier with the female. If the female's burrow cannot be relocated, all kangaroo burrows within a 20-meter (66 feet) radius shall be scoped and collapsed.

Subtask 1.2 SBKR Housing, Care, Transport

Between capture and relocation, SBKR will be housed and cared for within a designated space to be provided by the Conservation District. This task covers the cost of purchasing and preparing 50 individual cages.

Subtask 1.3 SBKR Radio Telemetry (ITP 8.7.3)

A subset of SBKR captured during Task 3.2 (30 animals) would be equipped with Very High Frequency (VHF) radio transmitters. The Holohil System [model BD-2C]) is proposed as it only weighs 1.1g and lasts about 42 days (range is 28-50 days). It has also been used successfully on previous studies of kangaroo rats. SBKR captured in the 500-foot buffer would be equipped with radio transmitters and released. SBKR for the soft release would be equipped with a radio transmitter prior to removal of the cage.

Subtask 1.4 SBKR Relocation Plan (ITP 8.7.5)

Prior to SBKR relocation, CDFW requires for review and approval: a spatial map of kangaroo rats trapped both within the exclusionary fence and adjacent 500-foot buffer, data collected on each individual, and a map of proposed relocation area(s) that includes individual spatial grouping, and any other details related to the relocation. This plan would be prepared, submitted, and coordinated under this task.

~~Task 2. Soft Release Exclusion (ITP 8.8)~~

~~This task involves the construction, instillation, monitoring, and maintenance of above-ground wire mesh retention cages, as well as care of SBKR for 7-10 days while in the cage. The cage would measure about 90 × 60 cm and be constructed of 6.4 mm (1/4 in) hardware cloth with a closed top and open bottom. SBKR artificial burrows would be hand augured at 45 mm diameter at roughly a 30° angle to a length of 1 m (3.3 feet). It is assumed that 50 artificial burrows and cages would be required. The burrows would be established outside of the exclusionary fencing in the same approximate neighbor relationship as trapped (per the approved SBKR Relocation Plan). A retention cage would be placed over each artificial burrow and buried to an approximate depth of 20 cm. Ten (10) remote infrared wildlife cameras would be placed to record activity during acclimation and for 30 days following removal of the cage.~~

~~SBKR would be placed in an artificial burrow and retention cage for 7-10 days. The burrow entrance would be plugged during the day and unplugged each evening prior to dark to allow the SBKR to enter into the cage area. SBKR would be fed a combination of romaine lettuce, finch seed mix, and plant seeds native to the release site daily while in the retention cage/burrow. After 7-10 days the retention cages would be removed. CDFW would be provided daily updates on the status of SBKR during, and 30 days following, the soft release,~~

February 2020

~~including any camera data information (activity period, behaviors, physical trauma, predation attempts), daily monitoring summary, cage damage, and vandalism.~~

~~Task 3. Supplemental Feeding (ITP 8.9)~~

~~Seed will be broadcast at the release site 3 evenings per week for the first month following the removal of the retention cages and once each week thereafter for the next 3 months. Seed will be microwaved for 1-3 minutes before broadcast at the release site to prevent seed germination and alteration of the native vegetation community.~~

~~Task 4. Relocation Monitoring (ITP 8.11)~~

~~Following the removal of the retention cages, the location of the radio transmitted SBKR will be logged 3 times weekly until the battery life ends (about 6 weeks). SBKR trapping in suitable habitat will occur within the Project Area, including where Covered Activities are occurring (as feasible), the relocation release area(s), and the 500-foot buffer will occur each month for the first 3 months following relocation, and then annually thereafter for the duration of the Project (assume 2 years). Therefore, there would be a maximum total of 30 3-night trap sessions. A report of the relocation monitoring findings shall be submitted to CDFW annually for the duration of the Project (assume 2 annual reports).~~

Cost

\$37,640.00

The total cost to complete the tasks listed above is ~~\$146,770.00~~ as detailed in Table 1 below.

Table 1. Cost Breakdown

Employee	SBKR Biologist	Specialist	GIS	Labor Hours	Labor @ Billing Rates	DIRECT COSTS	Total
Task	80.00	150.00	65.00				
Task 1. Post-Exclusionary Fencing Installation				-	-		-
Subtask 1.1 Accompany small mammal trappers				-	-		-
Project Area	85		8	93	7,320	300	7,620.00
500-foot buffer	150		8	158	12,520	500	13,020.00
Subtask 1.2 SBKR Housing, Care, Transport	40			40	3,200	600	3,800.00
Subtask 1.3 SBKR Radio Telemetry	60	8		68	6,000	7,200	13,200.00
Subtask 1.4 SBKR Relocation Plan	40		6	46	3,590		3,590.00
Task 2. Soft Release Exclusion	120			120	9,600	2,500	12,100.00
Task 3. Supplemental Feeding	75			75	6,000	500	6,500.00
Task 4 Relocation Monitoring							
Radio tracking	135	8	8	151	12,520	200	12,720.00
Trapping	810			810	64,800	2,500	67,300.00
Reporting	80		8	88	6,920		6,920.00
				-	-		-
Total Hours	1,595	16	38	1,649			\$37,640.00
Total Billing	127,600	2,400	2,470		132,470	14,300	\$ 146,770.00

Please let me know if you have any questions on this proposal.

Sincerely,



Mikael Romich
Senior Biologist



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originbiology.com

**AMENDMENT TO
CONTRACT SERVICES AGREEMENT
FOR
PROFESSIONAL SERVICES**

THIS THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL BIOLOGICAL SERVICES (“Amendment”) by and between the **SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT**, a California Special District (“SBVWCD” or “District”), and **MIKAEL ROMICH** (“Consultant”), is effective on July 09, 2020 and when signed by District and Consultant (“Effective Date”).

WHEREAS District and Consultant entered into a Contract Services Agreement dated February 24, 2020; and

WHEREAS Consultant has performed under the Agreement, and upon Board approval on July 08, 2020, District wishes to revise the Agreement to include the following tasks for Implementation of Measures in the California Endangered Species Act Safe Harbor Agreement (No. 2089-2020-002-06) and U.S. Fish and Wildlife Service Biological Opinion (FWS-SB-19B0182-19F1160) as proposed in Attachment 1.

NOW THEREFORE, the parties hereto agree as follows:

1.0 AMENDMENT TO TERMS OF CONTRACT

1.1 Section 2.1 of the Agreement is hereby amended to read as follows:

Contract Sum. For the services rendered pursuant to this Amendment, the Consultant shall be paid on a time and materials basis for work actually performed, not to exceed a total payment of One Hundred Thirteen Thousand Five Hundred Seventy-Five Dollars (\$113,575.00). Services provided under this agreement.

1.3 Section 5.1 of the Agreement is hereby amended to read as follows:

Term. This Amended Amendment shall be effective from July 09, 2020, and shall continue in full force and effect until completion and approval of the work and services described hereunder (Attachment 1), unless extended by mutual consent, or until otherwise terminated under Section 6.11 of the Agreement. During the term of this agreement, monthly invoices and progress reports shall be provided by the Consultant.

2.0 REMAINDER OF AGREEMENT UNAFFECTED

2.1 Except as specifically amended by this Amendment, the remainder of the Agreement remains unaffected, and is and shall be in full force and effect throughout the term of this Amendment.

IN WITNESS WHEREOF, the parties have executed and entered into this Amendment and by signature below:

**SAN BERNARDINO VALLEY WATER
CONSERVATION DISTRICT**

By: _____
Daniel Cozad
General Manager

Date: _____

CONSULTANT: Mikael Romich

By: _____
Mikael Romich

Date: _____



June 23, 2020

Betsy Miller
San Bernardino Valley Conservation Trust
1630 West Redlands Blvd., Suite A
Redlands, California 92373

Subject: Proposal to Implement Measures in the California Endangered Species Act Safe Harbor Agreement (No. 2089-2020-002-06) and U.S. Fish and Wildlife Service Biological Opinion (FWS-SB-19B0182-19F1160)

Dear Ms. Miller:

As requested in your email on June 1, 2020 and our follow-up conversations, Mikael Romich is pleased to submit this scope of work and cost to San Bernardino Valley Conservation Trust (Trust) to implement measures listed in the California Endangered Species Act Safe Harbor Agreement (SHA) (No. 2089-2020-002-06) and U.S. Fish and Wildlife Service Biological Opinion (BO) (FWS-SB-19B0182-19F1160).

Task 1 Biological Construction Monitoring and Reporting

Both the SHA and BO require daily monitoring by a SBKR-experienced biologist of ground-disturbing activities, such as grading of access roads and the construction of staging areas, sediment stockpile areas, pilot channels, splitter mounds, or rock sills. The anticipated construction schedule includes a total of 30 8-hour days. To account for fence installation and other potential requirements or delays, an additional 5 days (35 days total) has been assumed for this scope and fee. Daily summary reports will be prepared, as well as one summary report (referred to as quarterly reports in the SHA). Five annual reports shall also be prepared detailing all activities that occurred in a calendar year.

Task 2. Pre-Project and Annual SBKR Trapping Plan

The SHA requires that a pre-project and annual SBKR trapping plan be prepared, submitted, and approved by CDFW no less than 25 days prior to erecting the exclusionary fencing. The plan will include the locations of transects and grids within the Conservation Project area and a 500-foot buffer. The grids shall be permanent (e.g. capable of replication), with equal stratification to be representative of different qualities of suitable SBKR habitat and distributed throughout the Conservation Project area. A trapping plan would be prepared and submitted to the Conservation District for submittal to CDFW. Time has been allotted to coordination and meetings.

Task 3. Education Program

An education program shall be developed for all persons employed or otherwise working in the Enrolled Property before performing any work. The program shall consist of a presentation that at a minimum will discuss the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Agreement-specific protective measures described in this Agreement. The same instruction shall be provided to any new workers before they are authorized to perform work in the Enrolled Property. A fact sheet handout will be provided containing this information for workers to carry in the Enrolled Property. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.

Task 4. Pre-Project SBKR Burrow Mapping

No less than 20 days prior to installing the exclusionary fencing, all potential active kangaroo rat burrows within suitable habitat of the Conservation Project and a 500-foot buffer will be mapped. Burrow mapping within the 50-foot buffer will be intensive while effort between 50 and 500 feet will only map plainly evident burrows. It is recommended that CDFW be asked to approve burrow mapping within a 50-foot buffer, as most relocations distances are not expected to longer. The kangaroo rat burrow map shall be provided to CDFW and USFWS within 10 days prior to initiating exclusionary fence installation. Based on the burrow mapping, adjustments to Project components (e.g. - access roads, staging areas, sediment stockpile areas, pilot channels, splitter mounds, rock sills, etc.) will be made to avoid impacts to active kangaroo rat burrows to the extent feasible. Per the BO, exclusionary fencing will be placed where impacts to burrows are unavoidable.

Task 5. Pre-Project SBKR Trapping

Once the trapping plan in Task 2 is approved, SBKR trapping will occur for 5 consecutive nights no less than 20 days prior to installing the exclusionary fencing per the SHA. It is recommended that CDFW be asked to either removed or revise to 3 days in the trapping plan as part of Task 2. Removal is justified as trapping in the project site occurred less than one year ago (August and October 2019). All captured kangaroo rats shall be individually marked using ear tags with unique alphanumeric codes and measurements will include age, gender, and mass. Pre-exclusionary trapping results shall be provided to CDFW no less than 10 days prior to installing the exclusionary fence. It is assumed that two 3-night trap sessions will be required to satisfy CDFW, but this is contingent on approval of the trapping plan prepared as part of task 2.

Task 6. SBKR Holding Plan

Per the BO, a plan for holding captive animals will be prepared, submitted, and approved by USFWS prior to initiating SBKR trapping within the exclusionary fencing.

Task 7. Exclusionary Fence Trapping

Small mammal trapping within the exclusion fence shall continue for a minimum of 5 consecutive nights with at least 3 consecutive nights of no SBKR captures. If an SBKR lactating female is captured, she shall be released and followed to determine where her burrow is located. A fiber-optic scope or mini camera shall be immediately used within the located burrow or, if not found, all kangaroo rat burrows within a 20-meter (66 feet) radius shall be scoped. If no kangaroo rats are observed within the burrow, it shall be hand excavated to ensure no occupancy. If SBKR pups are observed, CDFW shall be notified at once, and the pups shall be captured and placed in a rodent carrier with the female. It is assumed that two 5-night sessions of exclusionary trapping will be sufficient to cover impacts areas with potential active SBKR burrows as described in the BO.

Task 8. Attaching Radio Transmitters

The Designated Biologist(s) shall affix 30 radio transmitters on SBKR as described in the SHA. All small mammal shall be released at the trap location or CDFW-approved relocation site for animals trapped within the exclusion area, following the installation of tracking devices, a 24-hour holding period, and recordation of data. Prior to SBKR relocation, the Designated Biologist(s) shall provide CDFW for review and approval: spatial map of kangaroo rats trapped both within the exclusionary fence and adjacent to the Conservation Project construction area, map of proposed relocations area(s) that includes individual spatial grouping, and any other details related to the relocation. An additional experienced SBKR biologist will be hired, as approved by CDFW, to assist with affixing radio transmitters on SBKR.

Task 9. Soft Release

The soft release of SBKR captured inside the exclusion fence will include constructing above-ground wire mesh retention cages using 1/4 inch hardware cloth, each measuring about 90 x 60 cm (23.6 x 35.4 inch) and closed on top and open on the bottom. Burrows will be dug with a 2" soil auger at roughly a 30° angle to a length of 3.3 feet. To maintain the integrity of the created burrow, cardboard mailing tubes, or other structural material shall be placed in the burrow, as required. The burrows would be established outside of the exclusionary fencing in the same approximate neighbor relationship as trapped individuals, and as approved by CDFW. The retention cages would be placed over the created burrow and buried to an approximate depth of 8 inches to discourage animals from digging out. The retention cages/burrows would be placed at least at least 15 m apart unless trapping and burrow mapping suggests otherwise. Ten remote infrared wildlife cameras will record activity during acclimation and for 30 days following removal of the cage. Each SBKR into its own retention cage for 7-10 days (recommended to ask CDFW for perhaps 2-3 days as they will be relocated very close to capture points so are familiar with the area; it may even be harmful to keep them for a longer if other territories are established) to allow acclimation to the release site and dampen dispersal. The burrow entrance shall be plugged during the day and unplugged each night to allow the SBKR to enter into the cage. Seed shall be broadcast at the release site 3 evenings per week for the first month following the removal of the retention cages and one evening each week thereafter for the next 3 months. It is recommended that no seed is broadcast as the overall natural seed supply is expected to be minimally reduced. Seed will be microwaved for 1-3 minutes before broadcast at the release site to prevent seed germination and

alteration of the native vegetation community. Previous trapping of the footprint resulted in 20 SBKR captures, and this number has been used for this estimate.

Task 10. SBKR Relocation Monitoring

Following the removal of the retention cages, the location of the radio transmitted animals will be recorded 3-4 times per night at least 3 times weekly and 1 time per day at least once weekly, for 6 weeks (battery life of transmitter), or other variation of frequency and duration, as approved by CDFW. For the scope, it is assumed that each telemetry point would require 10 minutes. The Designated Biologist(s) shall remove the radio transmitters from any recaptured SBKR prior to the battery life ending. The Designated Biologist(s) shall also conduct live small mammal trapping in SBKR suitable habitat within the Conservation Project area, the relocation release area(s), and the 500-foot buffer. Small mammal trapping shall occur each month for the first 3 months following relocation, and then annually thereafter for the duration of the Agreement. It is assumed that two 3-night trap sessions conducted monthly for 3 months will be required to satisfy CDFW, but this is contingent on approval of the trapping plan prepared as part of task 2. The Designated Biologist(s) shall individually mark all captured kangaroo rats using ear tags with unique alphanumeric codes and record captured kangaroo rats' age, gender, mass, trap location, new/recapture status, and tag identification.

Task 11. Annual SBKR Trapping

Hire a subconsultant with previous experience fitting and assessing harness functionality and impact (to be approved by CDFW) to place or oversee the placement of Very High Frequency (VHF) radio transmitters with a plastic-coated loop and crimp attachment system backpack harness.

Task 12. Coordination and Meetings

A total of 40 hours has been provided to aid in pre-project meetings, unforeseen small tasks, and potential wildlife agency coordination, including at least one field meeting.

Cost

The total cost to complete the tasks listed above is \$103,575.00 as detailed in Table 1 below.

Please let me know if you have any questions on this proposal.

Table 1. Cost Breakdown

Task 1			-	-		-
Biological Construction Monitoring	280		280	22,400	500	22,900.00
Reporting	24	8	32	2,440		2,440.00
Task 2. Pre-Project and Annual SBKR						
Trapping Plan	16	6	22	1,670		1,670.00
Task 3. Develop Education Program	8		8	640		640.00
Task 4.						
Pre-Project SBKR Burrow Mapping	16	4	20	1,540	25	1,565.00
Task 5						
Pre-Project SBKR Trapping	60		60	4,800	200	5,000.00
Task 6. SBKR Holding Plan	4		4	320		320.00
Task 7. Exclusionary						
Fence Trapping	94		94	7,520	300	7,820.00
Task 8. Preparing and Attaching Radio						+ 10,000.00
Transmitters	30		30	2,400		2,400.00
Task 9. Soft Release	60		60	4,800		4,800.00
Task 10. SBKR Relocation Monitoring						
Radio tracking	310		310	24,800	400	25,200.00
Trapping	180		180	14,400	600	15,000.00
Task 11. Annual SBKR Trapping	120	8	128	10,120	400	10,520.00
Task 12. Coordination and Meetings	40		40	3,200		3,200.00
Total Hours	1,242	26	1,268			\$113,575.00
Total Billing	99,360	1,690		101,050	2,525	\$ 103,575.00

Sincerely,



Mikael Romich
Senior Biologist



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General Manager's Report

For June 5, 2020 to June 25, 2020
Daniel B. Cozad

The District has continued to move all District work forward despite having much of the staff working from home due to our Phase 3 COVID 19 response. We were planning and preparing to move toward a more "normal" office and staffing situation during late June/July but cases are increasing and other water entities have positive cases. We plan to move to 3 days per week in the office in late July or early August, depending on actual transmission rates. Safeguarding the health and safety of our staff is the primary driving factor.

The following report covers the weeks between meetings and the efforts and activities during the reporting period.

- 1. Water Conservation – Plan Goal 1** – Without rains since May and several hot days flows in Mill Creek and Santa Ana River are low. SOD continues to flow about 7-12 CFS, and Mill Creek is below 3 CFS. Mill Creek recharge is slightly over 10,300 AF for the water year. The Santa Ana River recharge totals are about 19,200 AF for the water year. Total recharge for the year is approximately 29,525 AF. A cost benefit report on the Aggressive Recharge Program will be presented at this months Board Meeting.
- 2. Facility Maintenance and Cleanout – Plan Goal 1** – Jacinto completed cleaning and ripping in the SAR spreading grounds in early March. Additional cleaning is planned for the Pit, Santa Ana 1 and 2 during the summer. Also some materials from cleaning may be used for Plunge Creek Conservation work. Crossing repairs, (see photo), maintenance efforts and vegetation control are ongoing through August.
- 3. Aggregate Management – Plan Goal 1** – Upland Rock continues to sell sand and rock from District basin cleaning efforts. They service several larger projects providing materials and will be screening additional material and working in Mill Creek in July and August.
- 4. Personnel/Administration/Staff** – Staff continues to monitor and implement the District Extreme Flu/COVID19 plan. The District continues to operate in Stage 3. We follow the recommendations of the SBC Public Health officer and State Public Health Officer. Rotating employees staff a minimal office crew and other staff work from home. Staff reviews were recently completed.



5. **Finance/Budget/Audit** – Staff is preparing to implement the approved budget and beginning fiscal year closeout. Staff is preparing for the Annual Audit.
6. **Mill Creek Diversion Engineering** – *Plan Goals 1/4* – Erwin makes reports on the engineering and construction projects at meetings when there are updates not included in agenda items. The USACOE is reviewing section 408 and 404 materials.
7. **Plunge Creek Restoration Conservation Project** – *Plan Goals 1/4* – All permits and contracting are complete. Staff have awarded and provided notice to the contractor and are working with surveyor and biological monitor to prepare July mobilization with construction to begin on August 3. We still expect to complete the entire project by early October. We are planning some video of SBKR efforts during the Plunge Creek project for public outreach and education.
8. **Enhanced Recharge Project** – *Plan Goal 1* – The Enhanced Recharge Phase 1A is completed. Engineering design is nearing completion for the new basins, which are scheduled for construction in 2021. Wash Plan and other permitting are needed to proceed. Staff have attended field meetings and provided input on the design changes and revisions. Improvements at the Cuttle Weir are permitted in the River Habitat Conservation Plan and will follow its approval in 2022 or after that.
9. **Active Recharge Transfer Project Partnership** – *Plan Goals 1, 2, and 4* – The next Policy Committee meeting is planned for July 9, 2020. Staff is preparing a report for the meeting and distribution to the partners. Robertson's is reviewing a second draft agreement supporting the Plunge Creek Quarry Recharge Basin developed by staff and legal counsel. Staff continues to coordinate with the City of Highland on the CUP and SMARA changes needed to facilitate the transition. Staff coordinated and has revised an MOU with SBC Flood Control for assistance and cooperation on the ARTP.
10. **Groundwater Council** – *Plan Goal 1* – The Groundwater Council met on June 8 which marked West Valley Water District's first meeting. SBVMWD invoiced them for current and back fees and will remit Operations and Maintenance fees to the District upon payment. Redlands will likely consider the agreement in September given COVID19 issues. Will issue invoices to Members in July.
11. **Wash Plan** – *Plan Goal 4* – The Wash Plan has a separate report listed on the agenda. The final EIR/SEIS, ROD, ITP and related documents are expected to be in the Federal Register on July 10. Staff and USFWS coordinated on revisions to the BO to be finalized by the FWS. Consideration of the Supplemental EIR, Findings and Overriding Considerations Statements were noticed and appear on this Months Board Agenda. Staff are planning a virtual celebration with the Board and Task Force.
12. **Santa Ana River Wash Plan Land Exchange Act Implementation** – *Plan Goal 4* – S.-47 was passed and signed by the President becoming PL 119-6. Staff, District Counsel, and special legal counsel are working closely with BLM to expedite the exchange. A Chain of Title and environmental review has been prepared; the updated Mineral Potential Report is complete. The appraisal procurement will be released on June 30. Upon award, the appraisal should be completed in 3-6 months, depending on staffing.

Staff is working on documenting and removing old easements and title exceptions. Staff and Special Counsel are working with the new BLM State Director's office to complete the final MOU.

- 13. Conservation Trust – Plan Goal 4** – The Conservation Trust Board of Directors met on March 2 and will meet again in July. Staff has met with entities with which a deposit agreement is on file. Most projects continue to move forward slowly. The SBCTA project is progressing. The District and Trust have been reimbursed for services and funding for conservation easements and will make contributions to the endowment. SBKR are often in the District Headquarters awaiting release back to their habitat.



- 14. Property/Redlands Plaza** – Staff continues to manage Redlands Plaza and various issues related to tenants and maintenance. Staff is working with Red Dragonfly Spa and the City of Redlands on code compliance and other matters. All units are now fully leased. A status report on rents is attached.
- 15. Mining** – Mining efforts by CEMEX contractors continue on the Plant Site quarry. District Counsel has provided revisions to the existing lease related to Wash Plan implementation. Once CEMEX reviews, the final draft lease will come to the Board for review and consideration of action.
- 16. Public Outreach and Legislative – Plan Goal 5** Staff worked with consultants to coordinate PR for the Wash Plan HCP and are working to help plan efforts for Plunge Creek implementation.
- 17. Community Recharge and Mitigation – Plan Goal 1 and 4** – The 2017 Community Strategic Plan (CSP) included this effort for planning and implementation. The Active Recharge Transfer Projects in the Partnership Agreement are the first efforts under this goal. Additional recharge options where flows and open space allow recharge will be sought as staff has time.
- 18. Current Board Action Implementation** – Many priority efforts have separate sections of the General Manager's Report, or independent Board requested reports. Staff and District Counsel worked closely on EHL/CBD v. USACOE settlement-related studies, and the Phase 3 study is ongoing. The Exchange Plan Task Force spun off a group of water rights holders to investigate Mill Creek and Santa Ana River generation divestiture.

The District is currently coordinating the Edison Water Users group who are planning for an initial task force and an eventual JPA for Operating and Managing these facilities.

19. Future Board Activities – Expected short-term items for consideration or note

- BLM Land MOU working with regional manager to complete for August
- Plunge Creek Construction in August
- District Audit in August

20. District Successes

- Staff and Management completed annual review and compensation changes documenting excellent work, especially in the COVID 19 Work From Home arrangements.
- SR-210 project is ongoing with Trust support
- Wash Plan Task Force is collaboratively working on State and Wetlands permitting for most Wash Plan projects.

COVID-19 Lease Payment Options

The Board approved three (3) lease payment options for Redlands Plaza tenants who were in compliance with their current leases at the April 8, 2020 Board meeting to assist with decreased business revenue due to COVID-19 state/countywide shut down requirements. Tenants were offered to make reduced lease payments for April-June 2020 with repayment starting as early as July 2020. Five tenants accepted an adjusted payment plan. Four tenants (Dr. Ojano, Help For Future Leaders, Lightway Church and Yucaipa Physical Therapy) chose option 1 in which they paid half of their total lease payments with remaining balance due to be repaid in 6 equal installments by December 1, 2020. One tenant (Discover Cruises) chose option 3 which allowed payment of CAM and other fees only per month with base rent deferred until the first month after the end of emergency closures to be repaid in 12 equal installments. Uncollected/deferred payments for 2019/2020 total \$13,229.90. With business restrictions lifted, repayment for all tenants who accepted a payment option will begin July 1, 2020.

San Bernardino Valley Water Conservation District

Monthly Recharge Report

From: 6/1/2020
To: 6/30/2020



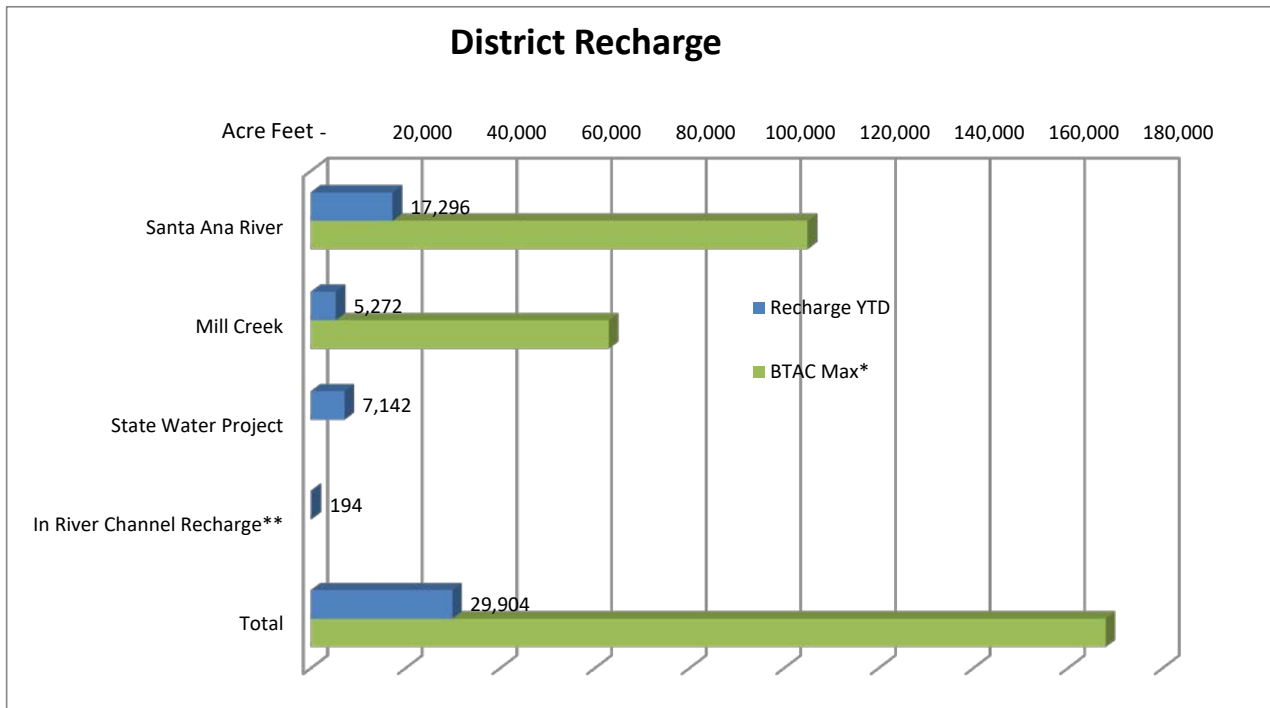
	June				
	Avg Daily Recharge	Monthly Recharge	Recharge YTD	BTAC Max*	% Max
Santa Ana River	15.9	478	17,296	105,000	16%
Mill Creek	4.2	126	5,272	63,000	8%
State Water Project	0.0	-	7,142	NA	NA
In River Channel Recharge**	0.0	-	194	NA	NA
Total	20	604	29,904	168,000	18%

Values in Acre Feet

*BTAC Revised Max in December 2019

**Monitoring began in Mid-April 2011

*** All Values Based on Water Year Oct-Sep 2020



AGGRESSIVE RECHARGE COST BENEFIT REPORT

WATER YEAR 2018-2019

AGGRESSIVE RECHARGE COMPARISON

	Actual Native Water Recharged (AF)	Imported Water Recharged (AF)	Aggressive Recharge Water (AF)*
Mill Creek Facility	9,324	8,618	9,704
Santa Ana Facility	35,684	16,522	16,522
Total:	45,008	25,140	26,226

Recharge Since October 1, 2018

*includes imported water recharged

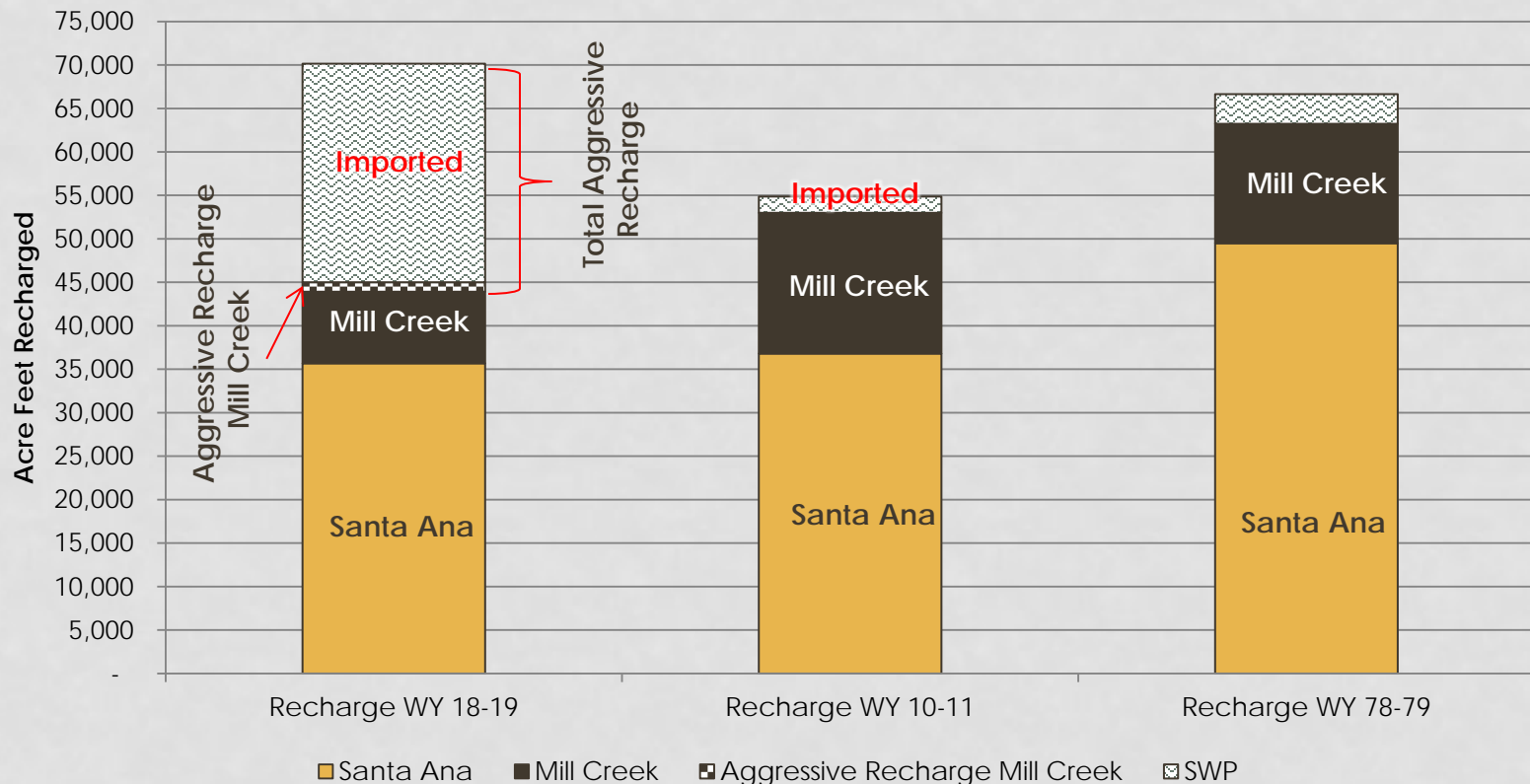
Total Recharge through September 30, 2019: **70,148 AF**

Amount of SAR Water Recharged 17-18: **2,618AF**

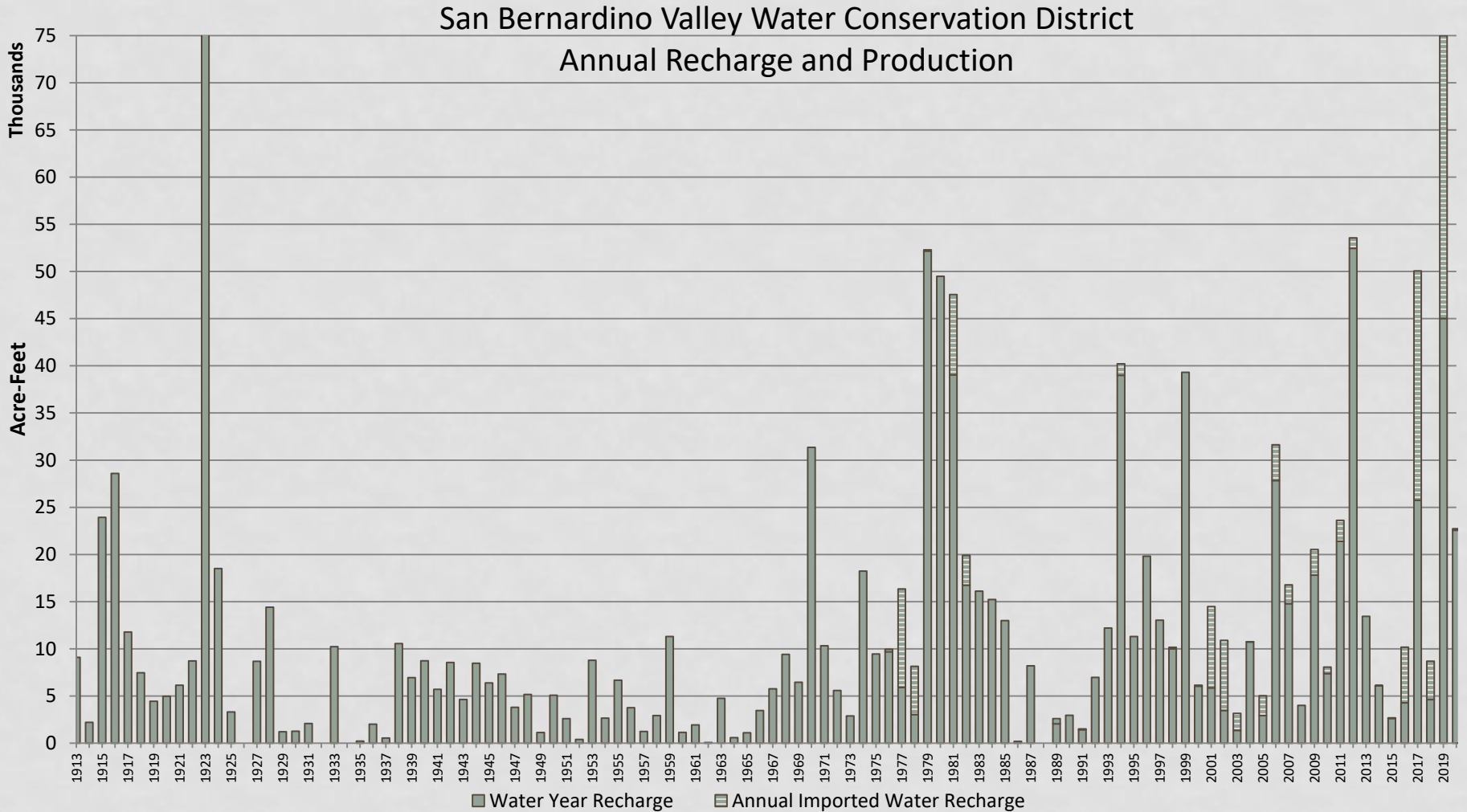
Amount of Mill Creek Water Recharge 17-18: **1,998AF**

RECHARGE FOR WATER YEAR 2018-2019 COMPARED TO RECHARGE 2010-2011 AND 1978-1979

Recharge for Water Year 2018-2019 Compared to Recharge 2010-2011 and 1978-1979

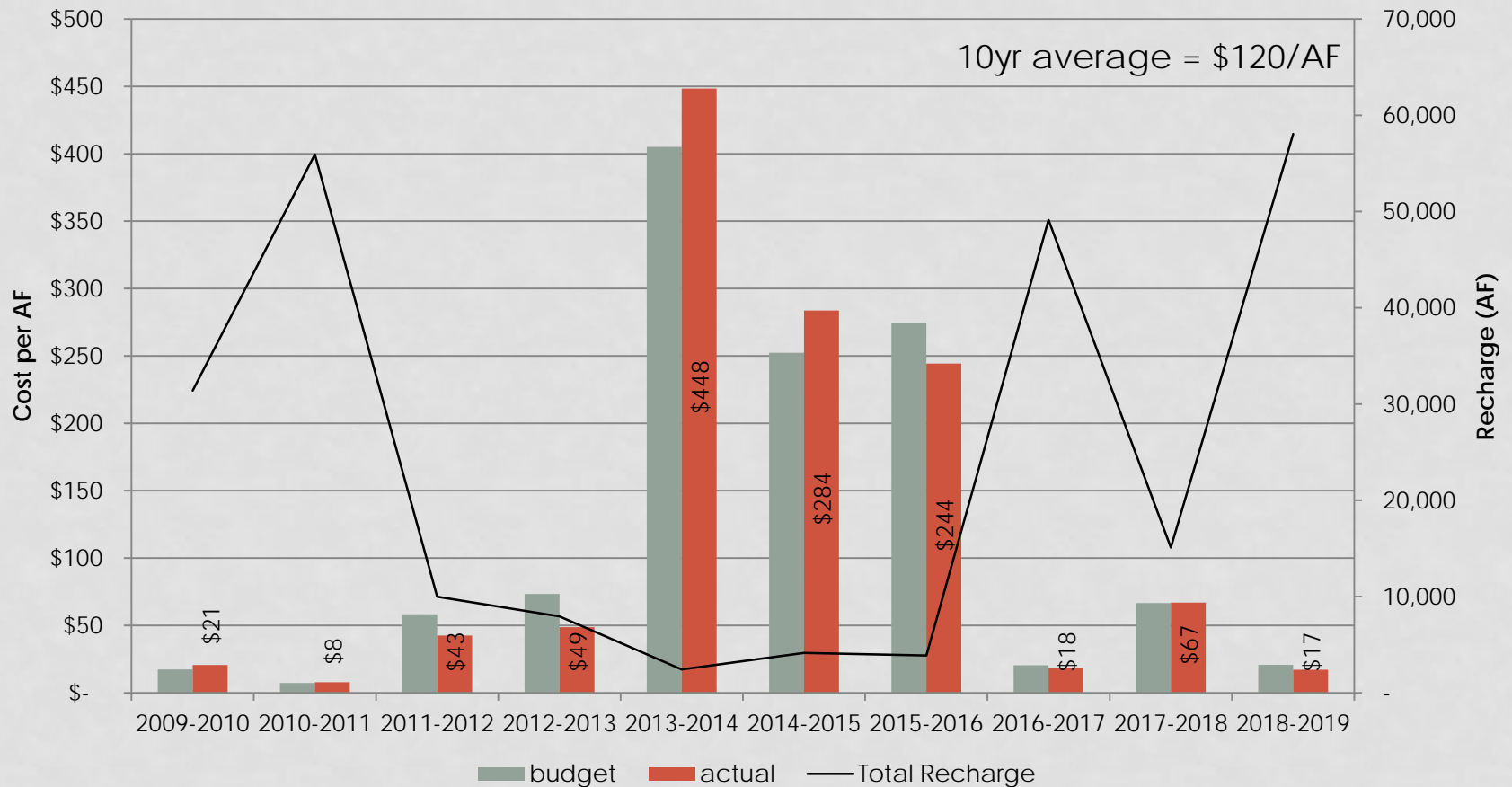


SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT ANNUAL RECHARGE AND PRODUCTION



COST OF RECHARGE WATER

Cost per Acre-Foot Groundwater Recharge

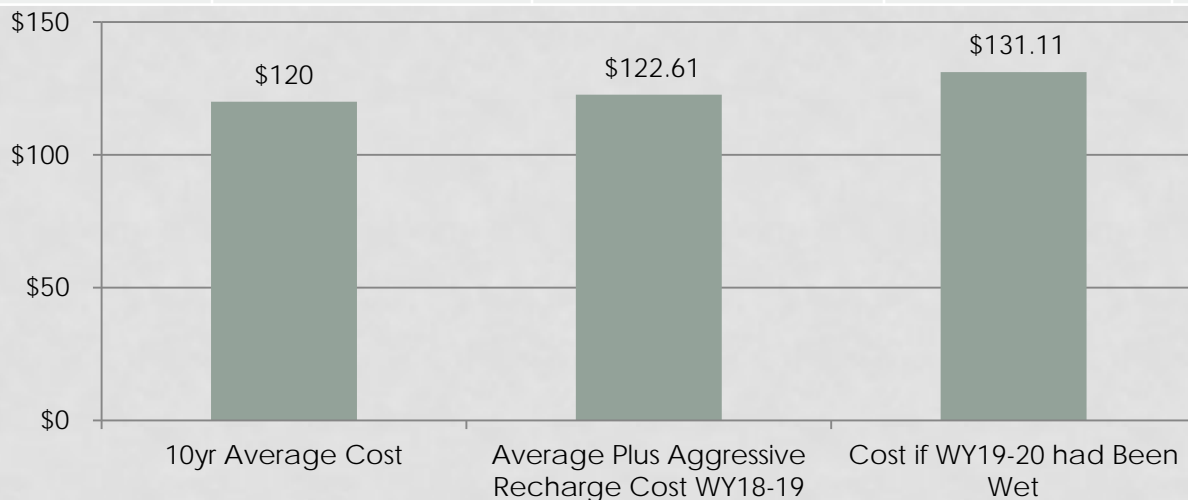


COST OF AGGRESSIVE RECHARGE

- 10 year average cost for recharge \$120/AF
- Additional Costs for 2018/19 Wet Year
 - Staff Overtime = \$5,840
 - Jacinto pond cleaning and repairs = \$68,500
 - Upland Rock moving only material necessary for space from Mill Creek to Borrow Pit = \$20,000
- Cost if there had been two wet years in a row:
 - Upland cost to move all material from Mill Creek to Borrow Pit = \$223,000

COST OF AGGRESSIVE RECHARGE

	Average Cost of Recharge (\$/AF)	Aggressive Recharge WY18-19 (AF)	Total Additional Costs (\$)	Marginal Cost per AF
Average Year			\$0	\$120/AF
Wet Year 18/19	\$120/AF	26,226	\$68,449	\$2.61/AF
If 19/20 Were Wet			\$291,489	\$11.11/AF
ROI	Valued @ \$120/AF	\$3,147,134		980-4500%



PUMPING OUT WATER FEBRUARY 2020



POND CLEANING MARCH 2020

Dike D



Filling Low Spots in 15



BORROW PIT CLEANING JULY 2020





2020 Board Calendar - San Bernardino Valley Water Conservation District

JANUARY						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Jan. 8 Board Meeting
Jan. 22 2nd Qtr. Finance & Admin Mtg.

JULY						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Jul. 8 Board Meeting
Jul. 22 4th Qtr. Finance & Admin Mtg.

FEBRUARY						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

Feb. 12 Board Meeting

AUGUST						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Aug. 12 Board Meeting

MARCH						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Mar. 11 Board Meeting
Engineering Investigation Report Presentation
Mar. 25 3rd Qtr. Finance & Admin Mtg.

SEPTEMBER						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Sept. 9 Board Meeting

APRIL						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Apr. 8 Board Meeting
Public Meeting/Groundwater Charge
Apr. 22 Board Meeting
Public Hearing/Groundwater Charge

OCTOBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Oct. 14 Board Meeting

MAY						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

May 27 Board Meeting

NOVEMBER						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Nov. 18 1st Qtr. Finance & Admin Mtg. (@9:00 a.m.)
Nov. 18 Board Meeting (@ 1:30 p.m.)

JUNE						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Jun. 10 Board Meeting

DECEMBER						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Dec. 9 Board Meeting (@ 9:00 a.m.)
Holiday Luncheon