



7/31/2018

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

Re: Scoping Comments for Upper Santa Ana River Tributaries Restoration Project in Riverside County

Dear Ms. Dyer,

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) regarding the Notice of Preparation (NOP) for the Upper Santa Ana River Tributaries Restoration Project (Project) in Riverside County. The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.6 million members and online activists throughout California and the United States. The Center has worked for several decades to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people and wildlife in along the Santa Ana River in both Riverside and San Bernardino Counties.

The Project proposes to construct and maintain four tributary restoration sites in Riverside County that include Anza Creek, Old Ranch Creek, Lower Hole Creek, and Hidden Valley Creek in order to “aid the water agencies in establishing and identifying compensatory mitigation options that can later be used to obtain necessary permits for water management activities” while providing for recreational opportunities. While the Center is generally supportive of revegetation and enhancement opportunities for threatened and endangered species and their habitats, which likely will occur in the proposed Project area, the Project must commit to in-perpetuity maintenance and appropriate conservation mechanisms to assure that the Project efforts are sustainable over the long-term.

I. Existing Conditions Must be Carefully Documented

Biological Surveys and Mapping

While we recognize that the Projects are proposed to improve the habitat, the fact remains that in order to appropriately develop strategies to enhance, revegetate and restore the habitat, it is crucial to document the existing conditions. Therefore, the Center requests that thorough, seasonal surveys be performed for sensitive plant species and vegetation communities, and animal species under the direction and supervision of the District in close consultation with the resource agencies, US Fish and Wildlife Service and the California Department of Fish and Wildlife. Full disclosure of survey methods and results to the public and other agencies without

limitations imposed by the project proponent must be implemented to assure full CEQA/ESA compliance.

Confidentiality agreements should not be allowed for the surveys in support of the proposed projects. Surveys for the plants and plant communities should follow California Native Plant Society (CNPS) and California Department of Fish and Wildlife (CDFW) floristic survey guidelines¹. A full floral inventory of all species encountered needs to be documented and included in the EIR. Surveys for animals should include an evaluation of the California Wildlife Habitat Relationship System's (CWHR) Habitat Classification Scheme. All rare species (plants or animals) need to be documented with a California Natural Diversity Data Base form and submitted to the CDFW using the CNDDDB Form² as per the State's instructions³ in a timely manner.

The Center requests that the vegetation maps be at a large enough scale to be useful for evaluating the impacts. Vegetation/wash habitat mapping should be at such a scale to provide an accurate accounting of wash areas and adjacent habitat types that will be directly or indirectly affected by the proposed activities. A half-acre minimum mapping unit size is recommended, such as has been used for other development projects. Habitat classification should follow CNPS' Manual of California Vegetation (Sawyer et. al. 2009).

Adequate surveys must be implemented in order to evaluate the existing on-site conditions. Due to unpredictable precipitation, organisms have evolved to survive in these harsh conditions and if surveys are performed at inappropriate times or year or in particularly dry years many plants/invertebrates that are in fact on-site may not be apparent during surveys (ex. annual and herbaceous perennial plants and invertebrates in diapause). The project sites may require seasonal surveys to evaluate the potential occurrence of rare plants that germinate and grow after summer precipitation events and invertebrates that emerge during favorable environmental conditions, as well as the more typical spring surveys.

II. Enhancement, Revegetation and Restoration Activities Must be Adequately Analyzed

The EIR needs to clearly state the goals and objectives of the proposed activities at each proposed site. The California Native Plant Society (CNPS) has numerous science-based policies and guidelines on native plants that the EIR and the projects should adopt into this planning effort. Of primary importance is using only locally adapted native species for the enhancement, revegetation and restoration activities.

The Santa Ana River and its tributaries are legendary for the infestations of invasive exotics including but not limited to *Arundo donax*. Clearly elimination of these invasive exotics would be required at the four sites if they are present, but as long as the *A. donax* is not controlled in a systematic and comprehensive manner – eliminating it from the headwaters downstream – it will

1 https://www.cnps.org/wp-content/uploads/2018/03/guidelines-rare_veg_mapping.pdf ; https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf and

2 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>

3 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739>

3 <https://www.wildlife.ca.gov/data/CNDDDB/submitting-data>

continue to be an on-going “maintenance” issue of control and removal. Failing to remove *A. donax* systematically results in the current situation of a cycle of continued re-infestations after the typical agency required mitigation of 5 years of maintenance and monitoring. The re-infested areas then provide for additional mitigation credits that do not result in implementing the no net loss of wetlands standard that is current federal policy, and the entire process is repeated in perpetuity, with little or no conservation benefit. While we recognize that this is a much larger issue than the four proposed tributary restoration project, it still needs to be addressed in the EIR.

Even after the proposed projects are implemented, the continued ecological functioning of the sites will require some type of management/maintenance plan. It is preferable to have site specific management/maintenance plans as part of the EIR. At a minimum, the goals and objective for long-term management/maintenance must be included. Solid funding mechanisms to assure implementation of the management/maintenance must also be identified and included in the EIR.

III. Proposed Project Sites Need Conservation Land Use and Zoning

The EIR needs to discuss and require safeguards to be put in place that assure that the restoration sites are protected for conservation purposes. This will require some update to the Land Use Plans for the City and County as well as zoning changes. Additional mechanisms such as conservation easements or deed restrictions may be useful tools to provide the necessary assurances that the enhancement, revegetation and restoration efforts of the proposed Project are preserved in perpetuity.

IV. Compliance with Western Riverside Multiple Species Habitat Conservation Plan (WRMSHCP) and other local plans

The proposed project areas fall inside the boundaries of the WRMSHCP. The EIR must fully analyze compliance with the goals of the WRMSHCP for these areas. Additionally if other local plans have identified goals for these areas, compliance with those local goals also needs to be identified and analyzed in the EIR.

V. Water Resources

The IS recognizes that the project will necessarily impact on-site drainages. The EIR must clarify the impacts to the jurisdictional Waters of U.S. and the Water of the State of California, and avoid, minimize and mitigate any impacts.

The EIR must also quantify and assure in perpetuity the water quantities that will be the basis of support for the enhancement, revegetation and restoration efforts. Absent solid legal agreements, the water may be diverted for other uses severely compromising the proposed Project.

VI. Air Quality

Western Riverside County and adjacent Inland Empire areas already have some of the worst air quality in the nation. Activities associated with earth-moving and large machinery often create dust and PM10 emissions that are harmful to human and wildlife health. The South Coast Air Quality Management region is already out of compliance for pollution levels set by the Clean Air Act. The EIR needs to fully evaluate additional impacts to air quality in this polluted air basin and provide clear and effective mitigation measures to minimize hazardous pollution from increasing pollution in the proposed project areas and beyond.

VII. Greenhouse Gases

The proposed project will also increase greenhouse gas emissions and those emissions should be quantified and offset. The EIR should consider the project's consistency with the Riverside County Climate Action Plan. Sources of GHGs include equipment, car and truck trips associated with the implementation of the restoration work that requires the use of fossil fuels. Similarly, such activities will also impact air quality and traffic in the area and these impacts should be disclosed, minimized and mitigated as well.

VIII. Cumulative Impacts

Because one of the goals of the proposed Project is to aid the water agencies in establishing and identifying compensatory mitigation options that can later be used to obtain necessary permits for water management activities, the EIR needs to identify the projects that are anticipated to take advantage of this "advanced" mitigation. In addition, other projects not associated with water agencies' activities may also impact or affect the proposed Project and need to be included in the analysis of cumulative impacts in the EIR.

IX. Conclusion

Thank you for the opportunity to submit scoping comments on the Upper Santa Ana River Tributaries Restoration Project and EIR. We look forward to working with you to assure that Project EIR conforms to the requirements of state and federal law and to assure that all significant impacts to the environment are fully analyzed, avoided, minimized or if necessary mitigated. Please do not hesitate to contact the Center with any questions at the number listed below. We look forward to reviewing the Upper Santa Ana River Tributaries Restoration Project EIR once it is available for public review.

Sincerely,



Heene Anderson
Senior Scientist
Center for Biological Diversity

cc:

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