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Department of Public Works

- Flood Control
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Kevin Blakeslee, P.E.
Director

Transmitted Via Email

January 18, 2019

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

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE UPPER SANTA ANA RIVER HABITAT CONSERVATION PLAN PROJECT FOR THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

Dear Ms. Dyer:

The San Bernardino County Flood Control District (District) appreciates this opportunity to comment on the above-referenced project. **The District received this request on December 11, 2018**, and pursuant to its review, provides the following comments:

General Comments

The Notice of Preparation (NOP) appears to anticipate the project will entail the use or management of property within the San Bernardino County Flood Control District (District) right-of-way. Any use of or work within the District's right-of-way is subject to the District's authorization and the Environmental Impact Report (EIR) should not assume use of this property for the project in any manner. The District is charged with providing flood protection throughout the county and where the District's consent is required for use of District/County of San Bernardino (County) lands, the District's decision must be consistent with its primary mission, as set forth in Water Code Appendix section 43-2, of providing flood control for the protection of public life and property.

To that end, the EIR should acknowledge that any proposed work within the District right-of-way will require consent and an encroachment permit from the District. The necessity and any impacts associated with the construction, maintenance or ongoing monitoring should be addressed in the EIR. The EIR should also avoid mitigation on District property or right-of-way without prior authorization. The District must ensure the protection of public life and property with respect to the use of its property and right-of-ways.

Furthermore, the EIR must analyze the secondary impacts of the proposed habitat restoration and introduction of additional water into the Santa Ana River system. Project Objective No. 4 states the project will "Restore quantity, quality, and function of vulnerable habitats, conserve land and provide a reliable water source to maintain habitat for sensitive, threatened, or endangered species..., in order to offset impacts from permittee covered activities in the Plan Area." This suggests the project will involve transplanting and/or relocating sensitive, threatened, or endangered species within the Plan

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H. Dyer, SB Valley Municipal Water District
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Areas that overlay several District facilities and named creek systems that the District maintains for certain reaches. In addition, the project proposes to introduce water flow that is not naturally occurring and will flow into District facilities. The District's ability to maintain its facilities will be affected by the growth of vegetation and other impacts of this activity. The EIR must analyze the impacts of the proposed project on the District's ability to maintain its flood control facilities to protect public life and property.

Specific Comments

1. Page 5 of the NOP, Section 1.1, Project Objectives, item 5 states, "Collaboratively manage the conservation of biological and aquatic resources at a watershed level and across jurisdictional boundaries to ensure that threatened and endangered species are protected with a long-term commitment."

The EIR should avoid/exclude mitigation upon any County and/or District owned property from the HCP, including any mitigation, enhancement (uplift) or monitoring plans, unless prior approvals are arranged and agreed upon, with any limitations detailed in advance and in writing.

2. Page 6 of the NOP, Section 2.2, Project Background states, "The Permittees will provide long-term commitment to native resources by agreeing to conserve, monitor, and manage covered species and their habitats in perpetuity."

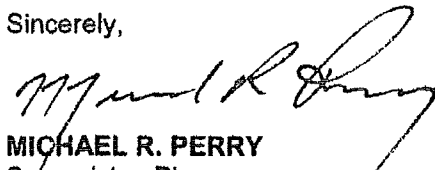
Any County and/or District property included in this activity must be approved in advance. Any potential impacts to County or District property must be thoroughly addressed within the EIR including the potential for type conversion (e.g., Riversidian to Aquatic), or introduction of threatened or endangered species that could impact the District's mission to protect life and property in the short or long term.

3. NOP Sections 2.1 and 2.4.1, Plan Area:

The plan area description contained in the NOP is not specific and does not allow the District to accurately assess potential impacts. The District may have additional comments when the project areas specifics are further identified.

Pursuant to Public Resources Code section 21092.2, the District hereby requests to receive a copy of all notices required pursuant to Public Resources Code sections 21080.4, 21083.9, 21092, 21108, 21152, and 21161 concerning the Project. Please provide such notices to the undersigned. Should you have any questions or need additional clarification, please contact the undersigned.

Sincerely,



MICHAEL R. PERRY
Supervising Planner
Environmental Management

MRP:PE:sr
Email: comments@sbsvmwd.com



FAX

TO: Heather Dyer
FAX #: 909-387-9247
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FROM: Patrick Egle
FAX #: 909-387-7876
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DATE: January 18, 2019

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SUBJECT	NOP of a DEIR for the Upper Santa Ana River Habitat Conservation Plan
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MESSAGE

Ms. Dyer,

Please find attached our comments for the above referenced project. We also emailed the comments to comments@sbvmwd.com.

Thank you,

Patrick Egle