

October 2017 | Final Environmental Impact Report
State Clearinghouse No. 2016051024

OAK GLEN CREEK SPECIFIC PLAN CASE NO. 16-048/SP

City of Yucaipa

Prepared for:

City of Yucaipa

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Table of Contents

| Section | Page |
|---|-------------|
| 1. INTRODUCTION..... | 1-1 |
| 1.1 INTRODUCTION..... | 1-1 |
| 1.2 FORMAT OF THE FEIR..... | 1-1 |
| 1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES..... | 1-2 |
| 2. RESPONSE TO COMMENTS..... | 2-1 |
| 3. REVISIONS TO THE DRAFT EIR..... | 3-1 |
| 3.1 INTRODUCTION..... | 3-1 |
| 3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS..... | 3-1 |
| 3.3 REVISED FIGURES..... | 3-33 |

APPENDICES

- Appendix A Updated Biological Resources Reports
 - A1 – San Bernardino Kangaroo Rat Survey
 - A2 – California Gnatcatcher Survey
 - A3 – Focused Botanical Survey
 - A4 – Jurisdictional Delineation Update
- Appendix B Revised Section 5.3, Biological Resources

Table of Contents

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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the DEIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Oak Glen Creek Specific Plan during the public review period, which began December 5, 2016, and closed January 19, 2017. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A-1 through A-9 for letters received from agencies and organizations, and R-1 for the letter received from a resident). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. City of Yucaipa staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Yucaipa) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the City of Yucaipa's responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

| Number Reference | Commenting Person/Agency | Date Comments Received | Page No. |
|-------------------------------------|---|------------------------|----------|
| Agencies & Organizations | | | |
| A1 | Twenty-Nine Palms Band of Mission Indians | 12/13/16 | 2-3 |
| A2 | San Manuel Band of Mission Indians | 12/15/16 | 2-7 |
| A3 | Agua Caliente Band of Cahuilla Indians | 12/27/16 | 2-11 |
| A4 | San Manuel Band of Mission Indians (2nd letter) | 12/28/16 | 2-15 |
| A5 | Soboba Band of Luiseño Indians | 01/19//17 | 2-39 |
| A6 | San Bernardino County Department of Public Works | 01/20//17 | 2-45 |
| A7 | California Department of Fish and Wildlife | 01/20//17 | 2-49 |
| A8 | Governor's Office of Planning and Research, State Clearinghouse | 01/23//17 | 2-65 |
| A9 | Governor's Office of Planning and Research, State Clearinghouse | 01/26//17 | 2-69 |
| Residents | | | |
| R1 | Jim Holbrook | 1/18/17 | 2-73 |

2. Response to Comments

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2. Response to Comments

LETTER A1 – Twenty-Nine Palms Band of Mission Indians (1 page)



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

December 13, 2016

Benjamin Matlock, Associate Planner
City of Yucaipa Development Services Department
34272 Yucaipa Blvd.
Yucaipa, CA 92399

RE: Oak Glen Creek Specific Plan (Case No. 16-048/SP); State Clearinghouse No. 2016051024

Dear Mr. Matlock:

This letter is in regards to consultation in compliance with CEQA for the Oak Glen Specific Plan Draft Environmental Impact Report. The Tribal Historic Preservation Office (THPO) is not aware of any additional archaeological/cultural sites or properties in the project area that pertain to the Twenty-Nine Palms Band of Mission Indians. We have no specific concerns for the project, and defer to the comments of other affiliated tribes. If there are inadvertent discoveries of archaeological remains or resources, construction should stop immediately and the appropriate agency and tribe(s) should be notified.

A1-1

Please do not hesitate to contact the THPO at (760) 775-3259 or by email:
TNPConsultation@29palmsbomi-nsn.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Madrigal, Jr.", is written over a horizontal line.

Anthony Madrigal, Jr.
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Tribal Cultural Specialist

2. Response to Comments

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2. Response to Comments

A1. Response to Comments from Anthony Madrigal, Jr., Tribal Historic Preservation Officer, Twenty-Nine Palms Band of Mission Indians, dated December 13, 2016.

A1-1 In accordance with Assembly Bill (AB) 52 and Senate Bill (SB) 18 requirements, the City sent invitation letters to representatives of the Native American contacts provided by the Native American Heritage Commission (NAHC) on July 8, 2016, including the Twenty-Nine Palms Band of Mission Indians, formally inviting tribes to consult with the City on the Oak Glen Creek Specific Plan. The statement from the Twenty-Nine Palms Band of Mission Indians that they have no specific concerns for the project and will defer to the comments of other affiliated tribes is acknowledged. If there are inadvertent discoveries of archaeological resources, Mitigation Measure 4-1 in the DEIR requires construction activities to stop immediately and the appropriate agency/tribe(s) be notified.

2. Response to Comments

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2. Response to Comments

LETTER A2 – San Manuel Band of Mission Indians (2 pages)

Nicole Vermilion

From: Benjamin Matlock <bmatlock@yucaipa.org>
Sent: Thursday, December 15, 2016 2:41 PM
To: Nicole Vermilion; Jim Morrissey
Subject: FW: Draft EIR for Oak Creek Specific Plan, City of Yucaipa

FYI.

Benjamin J. Matlock

Associate Planner

City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399
909.797.2489
bmatlock@yucaipa.org

From: Joan Schneider [mailto:JSchneider@sanmanuel-nsn.gov]
Sent: Thursday, December 15, 2016 2:00 PM
To: Benjamin Matlock
Subject: Draft EIR for Oak Creek Specific Plan, City of Yucaipa

December 15, 2016

Re: Draft Environmental Impact Report, Oak Glen Creek Specific Plan Case No. 16-048/SP, City of Yucaipa

Dear Mr. Matlock:

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above referenced project(s). SMBMI appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on December 5, 2016. Thank you especially for providing us the digital copy of the Specific Plan for Oak Glen Creek project. By this e-mail, SMBMI requests to consult with the City of Yucaipa pursuant to CEQA (as amended, 2015) and CA PRC 21080.3.1. The proposed project area is within Serrano ancestral territory and, therefore, is of interest to the Tribe because of the cultural resources and Tribal Cultural Resources sensitivity in the project area as well as the environmental conditions of the project area presently and during the time previous cultural resources studies were conducted.

In reading the digital document by *Placeworks*, SMBMI staff has a number of concerns regarding the Specific Plan document and its Appendices and would like to include these concerns in a forthcoming consultation meeting with the City of Yucaipa. If you feel that you would like to discuss the concerns in advance of that consultation meeting, please let me know and we can arrange a telephone conversation.

Please understand that receipt of this letter does not constitute "meaningful" tribal consultation nor does it conclude the consultation process. This letter is merely intended to initiate consultation between the tribe and lead agency, which may be followed up with additional emails, phone calls or face-to-face consultation if deemed necessary. If you should have any other questions with regard to this matter, please do not hesitate to contact me at your convenience, as I will be your Point of Contact (POC) for SMBMI with respect to this project.

Once again, the San Manuel Band of Mission Indians appreciates the opportunity to comment on this proposed project.

2. Response to Comments

Respectfully,

Joan S. Schneider, PhD
San Manuel Band of Mission Indians
Cultural Resource Management Department
Consulting Archaeologist
jschneider@sanmanuel-nsn.gov
26569 Community Center Drive
Highland, CA 92346

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that the email address record can be corrected. Thank You

2. Response to Comments

A2. Response to Comments Joan S. Schneider, PhD, Consulting Archaeologist, San Manuel Band of Mission Indians, dated December 15, 2016.

A2-1 In accordance with Assembly Bill (AB) 52 and Senate Bill (SB) 18 requirements, the City sent invitation letters to representatives of the Native American contacts provided by the Native American Heritage Commission (NAHC) on July 8, 2016, including the San Manuel Band of Mission Indians (SMBMI), formally inviting tribes to consult with the City on the Oak Glen Creek Specific Plan. At that time, no responses were received from the SMBMI requesting consultation. On December 15, 2016, the SMBMI submitted a letter requesting consultation, the City of Yucaipa staff consulted with Joan Schneider on December 19, 2016 to discuss the Tribe's concerns about the Specific Plan and the DEIR.

The SMBMI submitted a second comment letter (Comment Letter A4) on December 28, 2016, following this consultation summarizing the follow-up correspondence and comments.

2. Response to Comments

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2. Response to Comments

LETTER A3– Agua Caliente Band of Cahuilla Indians (2 pages)

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-044-2016-003

December 27, 2016

[VIA EMAIL TO: bmatlock@yucaipa.org]
 City of Yucaipa
 Mr. Benjamin Matlock
 34272 Yucaipa Blvd,
 Yucaipa, CA 92399

Re: Oak Glen Creek Specific Plan

Dear Mr. Benjamin Matlock,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Oak Glen Creek Specific Plan project. We have reviewed the documents and have the following comments:

*We find the level of cultural resources studies completed to be adequate for the scope of this project.

*The presence of an approved Agua Caliente Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior’s Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

*Before ground disturbing activities begin please contact the Tribal Historic Preservation Office to arrange cultural monitoring. The phone number for monitoring services is 760-699-6981.

Intro

A3-1

A3-2

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6981. You may also email me at vharvey@aguacaliente.net.

Cordially,



Victoria Harvey
 Archaeological Monitoring Coordinator
 Tribal Historic Preservation Office
 AGUA CALIENTE BAND
 OF CAHUILLA INDIANS

5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264
 T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

2. Response to Comments

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-044-2016-003

5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264
T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

2. Response to Comments

A3. **Response to Comments from Victoria Harvey, Archaeological Monitoring Coordinator Tribal Historic Preservation Office, Agua Caliente Band of Cahuilla Indians, dated December 27, 2016.**

A3-1 The Agua Caliente Band of Cahuilla Indians (ACBCI) states that the level of cultural resources studies is adequate for the scope of this project. Comment acknowledged.

A3-2 The ACBCI requests the presence of an approved ACBCI monitor during ground disturbing activities. Mitigation Measure 15-2 in the Section 5.15, *Tribal Cultural Resources*, of the DEIR requires archaeological monitoring by a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities. The project archaeologist is also required to develop an Archaeological Monitoring Plan (AMP) which shall include the development of a rotating or simultaneous schedule for the on-site Native American Tribal Monitor. The selection of the on-site Tribal Cultural Monitor is required to be conducted in coordination with the developer and designated Native American Tribal Monitors from consulting tribes during grading, excavation and ground disturbing activities onsite. Because several individual tribes have requested the presence of an onsite monitor, additional language has been added to Mitigation Measure 15-2 that allows the Native American Heritage Commission (NAHC) to designate the schedule for the onsite Native American Tribal Monitor for the proposed project if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring. Native American Tribal Monitors would have the authority to stop and redirect grading activities in coordination with the project archaeologist. In addition to the requirement under Mitigation Measure 15-2 that requires one onsite Native American Tribal Monitor, at the request of the ACBCI and other tribes, a new mitigation measure has been added that permits additional monitors on a volunteer basis during ground disturbing activities. Revisions and additions to the Mitigation Measures in the DEIR at the request of the Commenter are detailed in Section 3.2, *Revisions in Response to Written Comments*, of this FEIR.

The ACBCI also identifies procedures should buried cultural deposits be encountered. Mitigation Measure 15-3 in the DEIR details the procedure, consistent with the Secretary of the Interior's Standards and Guidelines, required in the event that Native American cultural resources are inadvertently discovered (i.e., temporary curation and storage and treatment and final disposition). Final disposition would be determined in consultative with the Native American Tribal Monitors and may involve onsite reburial or curation at an appropriate qualified repository within San Bernardino County. A Phase IV Monitoring Report would also be required to be submitted to the City at the completion of grading to document impacts on known resources, describe how each resource was recovered, and the disposition of each resource.

In accordance with the AMP, the ACBCI will be notified prior to ground disturbing activities onsite. If the ACBCI requests to be present for all ground disturbing activities

2. Response to Comments

(rather than on a rotating/simultaneous monitoring schedule as detailed in the project's AMP), the City will allow all Native American tribes to access the project site on a voluntary basis to monitor grading and excavation activities pursuant to new Mitigation Measure 15-5.

2. Response to Comments

LETTER A4 – San Manuel Band of Mission Indians (18 pages)

San Manuel Band of Mission Indians

December 28, 2016

City of Yucaipa Development Services Department
34272 Yucaipa Boulevard
Yucaipa, CA 92399

Attn: Jim Morrissey
Benjamin Matlock

RE: Oak Glen Creek Specific Plan (Case No. 16-048/SP)

Dear Mr. Morrissey and Mr. Matlock:

San Manuel Band of Mission Indians (SMBMI; Tribe) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the Oak Glen Creek Specific Plan (Case No. 16-048/SP). First, SMBMI regrets that our concerns were not addressed to the City of Yucaipa at an earlier date; the SMBMI Cultural Resources Management (CRM) Department was in a state of reorganization and flux during July, during the time your original scoping letter for this project was received. The CRM Department greatly appreciates the opportunity to now consult and provide comment on the afore-referenced DEIR.

The DEIR was recently reviewed by Tribe’s Consulting Archaeologist, Dr. Joan Schneider, and the Tribe thanks you for the telephone conversation you had with her on December 19, 2016. This letter is to confirm and clarify some of SMBMI’s concerns with the DEIR document that you discussed with Dr. Schneider.

The following bulleted items are topics that were discussed during the telephone conference call:

- Although Yucaipa is within Serrano ancestral territory, very little text is dedicated to the Serrano people, in general, and SMBMI, specifically, within the DEIR. There is also no Serrano ethnographic context included in the DEIR; rather, all ethnographic information appears to reflect the neighboring Cahuilla people with whom the Serrano had considerable interaction. Intro
- The cultural resources initial survey by *Cogstone* is considered inadequate by SMBMI due to the presence of heavy vegetation cover, survey intervals of too great a distance, and the alluvial and hydrological environment of the project area. A4-1
- The use of non-regional terms and dates by *Cogstone* for chronological and technological prehistoric periods are inappropriate for the Yucaipa region. A4-2
- There is considerable potential for previously undiscovered cultural resources to be encountered within the Project Area due to alluvial environment, proximity to drainages, and location in the foothills of the mountains, as well as the presence of several known pre-contact and historic sites within a mile radius of the Project Area. A4-3

26569 Community Center Drive • Highland, CA 92346 • Office: (909) 864-8933 • FAX: (909) 864-3370

2. Response to Comments

| City of Yucaipa Development Services Department | December 28, 2017 |
|---|-------------------|
| <ul style="list-style-type: none">• The term "mitigation" is not the appropriate term to use for archaeological monitoring and initial survey for cultural resources. A preliminary, mandatory requirement for an initial archaeological survey (to include sub-surface testing) to be conducted prior to the permitting of all future development in the project area is strongly advised for this area, but would be considered Condition of Approval Language for permits. Additionally, we would strongly recommend that monitoring be a required activity during any and all ground-disturbance activities associated with a permitted action. Such activities would include, but not be limited to clearing brush, grading, trenching, setting fences, etc. | A4-5 |
| <ul style="list-style-type: none">• Most of Tribe's concerns with the DEIR are discussed and addressed in the section of the DEIR on Tribal Cultural Resources, but need to be addressed in the Cultural Resources section, as well. SMBMI would recommend that these two sections inform and reflect one another to a very great degree. It should also be noted here that while the Tribe is always concerned with pre-contact cultural resources within Serrano ancestral territory (in which Yucaipa exists), in this location, the Tribe is also concerned with historical cultural resources, for the Serrano presence in the region flows from the deep past to the present day. | A4-6 |
| <ul style="list-style-type: none">• The protocol for subsequent development of the Oak Glen Creek parcel in the DEIR section on Tribal Cultural Resources was mostly written by Morongo Band of Mission Indians and SMBMI is largely in agreement with this language. SMBMI, however, respectfully requests that a SMBMI monitor/participant be included in all future ground-disturbing activity within the Oak Glen Creek project and that SMBMI be considered an active consulting party for this Project moving forward. | A4-7 |
| <p>Additionally, attached to this letter are PDF versions of Chapter 5, Sections 4 and 15 with highlighted areas where comments from SMBMI have been placed within the text of the DEIR. We trust the inclusion of comments in this format will facilitate the City's thoughtful consideration of our recommended revisions.</p> | A4-8 |
| <p>SMBMI's Cultural Resources Management Department looks forward to working with the City of Yucaipa in the future to ensure that together, we meet the requirements of new cultural resources legislation and exercise our responsibilities to preserve and protect our collective cultural heritages. Should you have additional questions or require clarification on any point made in this correspondence and its attachments, please contact Dr. Schneider at jschneider@sanmanuel-nsn.gov or call the CRM Department at (909) 864-8933 x2248 or x3248.</p> | A4-8 |
| <p>Respectfully,  Lee Clauss, Director Cultural Resources Management Department</p> | A4-8 |

2. Response to Comments

5. Environmental Analysis CULTURAL RESOURCES

recommendations concerning the treatment and disposition of the human remains have been made to the person responsible.... The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

5.4.1.2 EXISTING CONDITIONS

Study Methodology

The 115.6-acre project site was analyzed in three separate cultural resources assessments prepared by Cogstone in August 2011, and BCR Consulting LLC in November 2014 and January 2015. The three cultural studies in combination analyze the complete project site. The study methodology for each of the three cultural resources assessments is detailed below.

2011 Cogstone Assessment

The cultural resources assessment prepared by Cogstone in August 2011 analyzed cultural resources and project impacts on approximately 84 acres of the 115.76-acre project site. A search for paleontological records was completed at the San Bernardino County Museum, with the Los Angeles County Museum Department of Invertebrate Paleontology, PaleoBiological Database, University of California Museum of Paleontology, and in published materials.

In addition, a records search for archeological and historic records was completed at the San Bernardino Archaeological Information Center (SBAIC) in the San Bernardino County Museum on April 6, 2011. The Historic Significance Bridge Inventory and Bureau of Land Management General Land Office Records were also consulted. Historic aerials of the project site were inspected as well.

In addition to record searches, Cogstone conducted a field survey of the proposed project area on April 13, 2011. The pedestrian survey consisted of archaeologists walking in transects spaced at approximately 15- to 30-meter intervals over the project area while closely inspecting the ground surface. The creek channels were surveyed first, from east to west, then transects were walked in the southern and northern portions of the project area, with greater visibility. The ground visibility in the project area was poor due to heavy vegetation and water running through Oak Glen and Wilson Creeks, which converge in the approximate center of the project area. Much of the western portion to the north and south of Wilson Creek is densely covered with thick vegetation, such as oak, yucca, bushes, grasses, and cacti. Some areas had zero visibility and were impassable. Areas that were accessible ranged from 5 to 30 percent visibility. The average ground visibility was 15 percent.

2014 and 2015 BCR Assessments

BCR Consulting prepared a cultural resources assessment of an approximately 11-acre drainage area west of 2nd Street in November 2014 and another cultural resources assessment of an approximately 20.7-acre area,

A4-9

Comment [12/28/16#1]: SMBMI notes that this is not an adequate interval to carry out pedestrian survey, especially in area of cultural sensitivity and low visibility because of vegetation coverage. SMBMI respectfully requests that all future projects within the DEIR area be carried out at a minimum of 10-meter intervals and that in areas where ground visibility is less than 40%, subsurface testing strategies be employed.

2. Response to Comments

OAK GLEN CREEK SPECIFIC PLAN DRAFT EIR
CITY OF YUCAIPA

5. Environmental Analysis CULTURAL RESOURCES

including the City's maintenance yard, in January 2015. An archaeological records search was conducted at the SBAIC on November 4, 2014, prior to fieldwork. This included a review of all recorded historic and prehistoric cultural resources, known cultural resources, and survey and excavation reports generated from projects within one mile of the area of potential effect. In addition, a review was conducted of the NRHP; the California Register of Historical Resources (CRHR); and documents and inventories from the California Office of Historic Preservation, including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

Archaeological pedestrian field surveys of the two areas were conducted on November 4 and 5, 2014. The surveys were conducted by walking parallel transects spaced approximately 15 meters apart across 100 percent of the accessible area of potential effect. Soil exposures, including natural and artificial clearings, were carefully inspected for evidence of cultural resources.

Natural Setting

The project area is approximately 2,600 feet above mean sea level in the Yucaipa Valley in the southern foothills and alluvial deposits of the San Bernardino Mountains, within the Transverse Ranges Geomorphic Province. The Transverse Range Province is an east-west-trending series of steep mountain ranges and valleys, oblique to the normal northwest trend of coastal California. The site occupies alluvial deposits of the San Bernardino Mountains, which are over 11,000 feet above mean sea level and are composed of Jurassic and Cretaceous granitic rocks, which have intruded and metamorphosed older rocks. Sediments observed on the project site include coarse to fine silty sand, granitic and quartz cobbles, and poorly sorted gravels.

This region is one of the most tectonically active in North America. To the northwest of the project site, the San Andreas Fault travels up Cajon Pass, where it is the boundary between the Pacific Plate and the North American Plate. The Transverse Ranges Geomorphic Province is the result of these two plates grinding past each other and catching along the bend in the San Andreas. Intense north-south compression is squeezing the Transverse Ranges, and as a result this is one of the most rapidly rising regions of the earth.

Cultural Setting

Prehistoric Setting

The project area is defined for having traits of time phases of the Greven Knoll pattern of the Encinitas Tradition. This pattern is subsequently replaced in the project area by the Peninsular pattern of the Palomar Tradition later in time.

Greven Knoll sites tend to be in valleys such as the project area. Inland people of the Greven Knoll pattern used a toolkit dominated by manos and metates throughout the Greven Knoll 7,500-year extent. In the Greven Knoll Phase I, typical characteristics were pinto dart points for atlatls or spears, charmstones, and cogged stones; absence of shell artifacts; and flexed position burials. In Phase II, Elko dart points for atlatls or spears and core tools are observed along with increased indications of gathering. In Phase III, stone tools, including scraper planes, choppers, and hammerstones, are added to the tool kit; yucca and seeds are staple

A4-10

Comment [12/21/16#2]: See previous comment.

A4-11

Comment [12/21/16#3]: Please ask Cultural Resources company that conducted the study and wrote the report on that study to revise terms "Greven Knoll" and "Peninsula Pattern" and substitute cultural resource terminology for chronological and technological terms and dates suitable for the region that is the focus of the DEIR. The terms used here are not used in this region or widely used elsewhere in southern California.

2. Response to Comments

5. Environmental Analysis CULTURAL RESOURCES

foods; animals bones are heavily processed (broken and crushed to extract marrow); and burials have cairns above.

Early Peninsular sites tend to be near sources of fresh water in valleys, some of which are now deserts. The former Lake Cahuilla played a major role in the prehistory of the Colorado Desert. This lake formed periodically when the Colorado River broke its channel and flowed into the Salton Basin (Coachella and Imperial valleys), forming a large, deep body of fresh water. The filling of Lake Cahuilla around 1,070 years ago created a rich freshwater resource that likely attracted people from a number of areas.

Ethnographic Setting

Ethnographically the project area appears to have been inhabited by the Mountain Serrano even though it is within the boundaries of traditional Cahuilla territory. Archaeological research in the area indicates that natives identified Yucaipa as being occupied by the Mountain Serrano. Cahuilla territory lies within the geographic center of Southern California and the Cocopa-Maricopa Trail, a major prehistoric trade route that linked the Colorado Desert with the Pacific Coast. Given the territory's close proximity to the Cocopa-Maricopa Trail, interactions with surrounding tribes were extensive.

Despite early contact with European and Spanish explorers, the Cahuilla culture and population remained relatively intact until 1891, when the federal government took an active role in supervising the reservations that were established in 1877. The Cahuilla maintained their autonomy to such a relatively late period due largely to the neighboring tribes blocking land routes to explorers as early as 1774. In addition, once the settlers did infiltrate Cahuilla territory, they used the land primarily for cattle grazing, a practice that was relatively noninvasive compared to the establishment of missions.

Historic Setting

In historic times, the San Bernardino Valley was first visited by Pedro Fages, explorer and Spanish Military Commander of California, in 1772, and by Father Francisco Garces, a missionary priest, in 1774. The original Estancia ranch outpost of the Mission San Gabriel was built in 1819 in what is now Redlands as an outpost for cattle grazing activities. After secularization of the Mission in 1834, the local mission lands were granted to Antonio Maria Lugo in 1841 as the Rancho San Bernardino. The Rancho, a total of 37,700 acres encompassing the entire San Bernardino Valley, was granted to raise stock and establish a colony. Shortly thereafter, the valley boasted 4,000 head of cattle, and Lugo relatives were settled throughout the area. In 1842, the Yucaipa Adobe was built; this is the oldest dwelling in the county and became a county park in 1955.

The earthquake of 1875 changed the flow of Yucaipa Creek, allowing new areas to be opened for development. Cattle, horses, and hogs were ranched; grains farmed; and dairies constructed. In addition, a train station in nearby Crafton began carrying agricultural products to markets. Late in the nineteenth century, early flumes became more sophisticated irrigation systems and began to provide service for the orchard and fruit industries. Around the same period, land developers purchased many ranches and designed subdivisions. Streets, homes, churches, and business began to populate Yucaipa. The areas east of town were planted with cherries and apples. The apples were replaced by peach, plum, and walnut groves by the 1930s. The rural way

A4-12

Comment [12/28/16#4]: SMBMI respectfully requests that the Serrano people be added to the Ethnographic Setting section and expanded within the Cultural Resources report in the appendices. The DEIR project area is fully within Serrano Ancestral Lands and in fact, the name "Yucaipa" is a form of the Serrano word, Yucaipat. There is information on Serrano people in several well-known ethnographic sources.

The statement that there was considerable interaction with other tribes in the region is correct. Ethnographic Setting should include those as well.

2. Response to Comments

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| <p>OAK GLEN CREEK SPECIFIC PLAN DRAFT EIR CITY OF YUCAIPA</p> <hr/> <h3>5. Environmental Analysis</h3> <h4>CULTURAL RESOURCES</h4> <h4>5.4.3 Environmental Impacts</h4> <p>The following impact analysis addresses thresholds of significance that may have potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.</p> <hr/> <p>Impact 5.4-1: Development of the project site could impact undisturbed historical resources. [Threshold C-1]</p> <hr/> <p>Impact Analysis: The field surveys yielded four cultural resources on the project site, including a historical trash scatter, a historical glass scatter, a historical rock and dirt berm, and a historical rock and concrete wall. As stated above, all four of the historical resources found during the field survey were considered ineligible for listing on the CRHR, with the exception of the trash scatter (P-36-023366). There is potential for intact subsurface components to be found near the trash scatter during grading and excavation activities. Therefore, further archaeological testing, including shovel test pits, would be required to determine eligibility of the trash scatter if the project area is changed.</p> <p>As stated above, the two historic-period residences at 11568 and 11648 2nd Street were determined to have been heavily altered, lack distinction, and are ineligible for historic listing. More specifically, there is no evidence to suggest that the two residences are associated with events that have made a significant contribution to the broad patterns of American history (NRHP/CRHR Criterion 1). Research also failed to show that the houses are specifically associated with the lives of persons important to our past or that persons of significant regional or national stature can be linked to them (NRHP/CRHR Criterion 2). The residences are not indicative of the distinctive characteristics of a type, period, region, or method of construction, and do not represent the work of a master, possess high artistic values, or represent a significant or distinguishable entity whose components may lack individual distinction (NRHP/CRHR Criterion 3). The houses have no potential to yield information beyond that which has already been recorded (NRHP/CRHR Criterion 4).</p> <p>The residences do retain a measure of integrity of setting and location, but severe alterations have compromised any integrity of design, materials, workmanship, feeling, and association they may have once had. Because of failure to meet any of the four criteria above combined with diminished integrity, the residences at 11568 and 11648 2nd Street are not eligible for the NRHP or CRHR, and as such are not recommended historic properties under Section 106 of the National Historic Preservation Act, or historical resources under CEQA.</p> <p>The remaining portion of the project site to be developed has areas that could not be effectively surveyed due to dense vegetation cover. Therefore, development of the project site could impact undisturbed historical resources and impacts would be potentially significant.</p> <hr/> <p>Impact 5.4-2: Development of the project site could impact archaeological resources. [Threshold C-2]</p> <hr/> <p>Impact Analysis: No prehistoric sites are known within the project site. However, given the presence of two nearby, ephemeral water sources (Oak Glen and Wilson Creeks) and the prehistory of the area, there is a</p> <hr/> <p>Page 5.4-70 PlaceWorks</p> | <p>A4-13</p> |
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2. Response to Comments

5. Environmental Analysis CULTURAL RESOURCES

possibility that the project area may contain significant subsurface archaeological resources. As detailed in Impact 5.4-1 above, four historic resources and two historic-period residences were observed and formally recorded in the project area. The project area is also considered to have moderate sensitivity for additional historical archaeological resources. Therefore, there remains a possibility that the development of the project site through grading and excavation activities could impact previously undisturbed archaeological resources. Thus, impacts to archaeological resources are potentially significant.

Impact 5.4-3: Development in accordance with the Oak Glen Creek Specific Plan would not adversely affect paleontological resources or a unique geologic feature. [Threshold C-3]

Impact Analysis: A paleontological records search was completed with the San Bernardino County Museum, Los Angeles County Museum Department of Invertebrate Paleontology, PaleoBiological Database, University of California Museum of Paleontology, and in published materials. The records searches yielded no known paleontological resources on the project site and no fossils in the Yucaipa Valley. The chance of fossils being preserved greatly increases once the average size of the sediment particles are less than 5 millimeters across. Based on the field survey, the sediments in the Quaternary alluvium and Quaternary older alluvium both range from less than 1 millimeter across to greater than 25 centimeters across. The large clast size limits the chance of fossils being preserved.

Fossil preservation also greatly increases with the presence of water or rapid burial. Remains left on the ground surface are quickly weathered from the sun and destroyed, usually within 20 years or less depending on the environment. So the sands, silts, and clays of rivers, lakes, and oceans are most likely to contain fossils. The sediments of the project area consist of the axial deposits of a river channel as well as alluvial fans. Although the river sediments, presence of water, and rapid burial are conducive to fossil preservation, the sediment particles on the site are likely too coarse to the preserve significant fossils. Sediments in the project area are not likely to produce significant vertebrate fossils based on the field survey, record search, and recommendation of the San Bernardino County Museum, and impacts would be less than significant.

Impact 5.4-4: Grading activities could potentially disturb human remains outside of formal cemeteries, if present, but compliance with existing regulations would ensure that impacts are less than significant. [Threshold C-4]

Impact Analysis: The cultural resources assessments did not identify any human remains or known human burial sites on the project site or in its vicinity. However, the project site is mostly undisturbed, and due to the existence of historic and prehistoric resources in the surrounding area and four identified historic resources on the project site, there is potential for human remains to be found during project site excavation and grading activities.

California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and

A4-13 cont'd

Comment [12/21/16#5]: Perhaps a sentence could be added here that would refer to the section in Tribal Cultural Resources that is more definitive about future development protocols. SMBMI would appreciate this.

A4-14

Comment [12/21/16#6]: See previous comment

2. Response to Comments

5. Environmental Analysis CULTURAL RESOURCES

cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Compliance with existing law would ensure that impacts to human remains would remain less than significant.

5.4.4 Cumulative Impacts

Cumulative impacts to cultural resources would occur when the impacts of the proposed project, in conjunction with other projects and development in the region, result in compounded impacts to cultural resources in the area. With the exception of the historical trash scatter (P-36-023366), there are no potentially significant archaeological, paleontological, or historic resources on the project site.

Each future project considered for approval by the City of Yucaipa would be required to have that project's impacts to site-specific cultural resources evaluated as part of CEQA review for the project. Where significant impacts to cultural resources are identified, projects would be required to either avoid impacts or implement feasible mitigation measures to reduce impacts. Projects that would involve substantial amounts of ground disturbance could also damage archaeological and/or paleontological resources that may be buried in soils. Mitigation measures for reducing cultural resources impacts of such projects would include monitoring by qualified archaeologists and paleontologists and recovery, identification, and curation of any potentially significant resources discovered. Consequently, impacts to cultural resources would not be cumulatively considerable.

5.4.5 Existing Regulations

Federal

- National Historic Preservation Act
- Archaeological Resources Protection Act
- Native American Graves Protection and Repatriation Act

State

- California Public Resources Code Sections 5020–5029.5, 5097.9–5097.991, and 5079–5079.65
- California Health and Safety Code Section 7050.5
- California Senate Bill 18
- Assembly Bill 52

A4-15

Comment [12/21/16#7]: Please change sentence to read "...there are no known potentially significant cultural resources in the area."

A4-16

Comment [12/21/16#8]: Monitoring is not a mitigation measure for impacts to cultural resources (i.e. archaeological remains). Please revise this paragraph to say:

Measures set forth for any future project within the DEIR project area would include further measures, investigations, and study to, first, discover and then mitigate potential surface and subsurface cultural resources.

2. Response to Comments

5. Environmental Analysis CULTURAL RESOURCES

5.4.6 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- **Impact 5.4-1** Historical resources would potentially be impacted by development on the project site.
- **Impact 5.4-2** Archaeological resources would potentially be disturbed during site grading on the project site.

A4-17

Comment [12/21/16#9]: SMBMI respectfully requests that this sentence should read:
"Archaeological resources would potentially be impacted during site clearance, grading, and any other earth disturbing activity."

5.4.7 Mitigation Measures

Impact 5.4-1

4-1 Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depth, the future developer of the project site shall provide letters to the City of Yucaipa from a qualified archaeologist and paleontologist who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the developer has retained these individuals, and that the consultant(s) will be on call during all grading and other significant ground-disturbing activities.

A4-18

Comment [12/14/16#10]: Any earth-disturbing activity, including brushing, mowing, grading, addition of soils, and any other construction or preparation for construction, the following will take place:

In the event archaeological or paleontological resources are discovered during ground-disturbing activities, a professional archeological or paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological or paleontological monitor has evaluated discoveries to assess whether they are classified as significant cultural resources pursuant to the California Environmental Quality Act (CEQA).

A4-19

Comment [12/28/16#11]: SMBMI respectfully requests that the phrase be rewritten to reflect that Native American monitors and a Secretary of Interior-qualified archaeologist, working as a team, will be actively called upon to monitor any ground-disturbing activity including brush clearance, grading, and other such activity. Tribe believes that relegating monitoring to an "on-call" status does not serve the purpose of recognizing, much less responsibly managing, cultural resources. This would leave the job to heavy equipment operators and other non-knowledgeable persons in the field of archaeology and Tribal cultural resources.

The Native American monitors should also have the authority to halt activities that could adversely impact a potentially significant cultural resource. Additionally, any significance determinations regarding a cultural resource should be made collaboratively with the SOI-qualified archaeologist and Tribal monitors and/or consulting Tribes.

2. Response to Comments

| OAK GLEN CREEK SPECIFIC PLAN DRAFT EIR CITY OF YUCAIPA | |
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| <p>5. Environmental Analysis CULTURAL RESOURCES</p> <p>If archaeological or paleontological resources are recovered, they shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the San Bernardino County Museum or the University of California, Riverside, or any other local museum or repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.</p> <p>If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the developer or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.).</p> <p>Impact 5.4-2</p> <p>Mitigation Measure 4-1 above would also be applicable to Impact 5.4-2.</p> <p>5.4.8 Level of Significance After Mitigation</p> <p>Impact 5.4-1</p> <p>Mitigation Measure 4-1 would reduce potential impacts associated with historical resources to a level that is less than significant, and no significant unavoidable adverse impacts would occur.</p> <p>Impact 5.4-2</p> <p>Similar to Impact 5.4-2, implementation of Mitigation Measure 4-1 would reduce potential impacts to archaeological resources to less than significant levels, and no significant unavoidable adverse impacts would occur.</p> <p><i>Page 5.4-14</i></p> | <p>A4-20</p> <p>Comment [12/21/16#12]: SMBMI requests that permission must be granted by Consulting Tribes for the collections be "offered" to museum or academically oriented institutions.</p> <p>Will the City of Yucaipa be the property owner of the entire DEIR project land? If portions of the project area are sold, wouldn't the current property owner be responsible for costs of curation of archaeological materials as part of permitting-for-development responsibility?</p> <p>SMBMI would request that City of Yucaipa consult with tribes regarding disposition of any archaeological materials from lands owned by the City.</p> <p>A4-21</p> <p>Comment [12/28/16#13]: SMBMI respectfully requests that this section be rewritten to reflect that a archaeological-Native American monitoring team will be on site during clearing, grading, and other ground-disturbing activities. If significant cultural resources are discovered, then these monitors would contact the developer and archaeologist. In this case, the Tribes would already be aware of the project. That said, any testing, assessment, and/or treatment plans would need to be developed in consultation with the consulting Native American Tribes prior to their finalization and implementation.</p> |

2. Response to Comments

5. Environmental Analysis TRIBAL CULTURAL RESOURCES

San Bernardino Archaeological Information Center (SBAIC) on November 4, 2014, prior to fieldwork. This included a review of all recorded historic and prehistoric cultural resources, known cultural resources, and survey and excavation reports generated from projects within one mile of the area of potential effect. In addition, a review was conducted of the National Register of Historic Places; the California Register of Historical Resources; and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

Archaeological pedestrian field surveys of the two areas were conducted on November 4 and 5, 2014. The surveys were conducted by walking parallel transects spaced approximately 15 meters apart across 100 percent of the accessible area of potential effect. Soil exposures, including natural and artificial clearings, were carefully inspected for evidence of cultural resources.

Natural Setting

The project area is located at approximately 2,600 feet above mean sea level in the Yucaipa Valley in the southern foothills and alluvial deposits of the San Bernardino Mountains, within the Transverse Ranges Geomorphic Province. The Transverse Range Province is an east-west trending series of steep mountain ranges and valleys, oblique to the normal northwest trend of coastal California. The site occupies alluvial deposits of the San Bernardino Mountains, which are over 11,000 feet above mean sea level and are composed of Jurassic and Cretaceous granitic rocks, which have intruded and metamorphosed older rocks. Sediments observed within the project site include coarse to fine silty sand, granitic and quartz cobbles, and poorly sorted gravels.

This region is one of the most tectonically active in North America. To the northwest of the project site, the San Andreas Fault travels up Cajon Pass and is the boundary between the Pacific Plate and the North American Plate. The Transverse Ranges Geomorphic Province is the result of these two plates grinding past each other and catching along the bend in the San Andreas. Intense north-south compression is squeezing the Transverse Ranges, and as a result this is one of the most rapidly rising regions of the earth.

Cultural Setting

Prehistoric Setting

The project area is defined for having traits of time phases of the Greven Knoll pattern of the Encinitas Tradition. This pattern was later replaced in the project area by the Peninsular pattern of the Palomar Tradition.

Greven Knoll sites tend to be in valleys such as the project area. The Greven Knoll toolkit is dominated by manos and metates throughout its 7,500-year extent. In Phase I, typical characteristics were pinto dart points for atlatls or spears, charmstones, cogged stones, absence of shell artifacts, and flexed-position burials. In Phase II, Elko dart points for atlatls or spears and core tools are observed along with increased indications of gathering. In Phase III, stone tools, including scraper planes, choppers, and hammerstones, are added to the

A4-22

Comment [12/21/16 #1]: All comments SMEMI made to Chapter 5, Section 4 are also applicable to Section 15. SMEMI respectfully requests that the same changes be made here.

2. Response to Comments

5. Environmental Analysis TRIBAL CULTURAL RESOURCES

tool kit; yucca and seeds are staple foods; animals bones are heavily processed (broken and crushed to extract marrow); and burials have cairns above.

Early Peninsular sites tend to be near sources of fresh water in valleys, some of which are now deserts. The former Lake Cahuilla played a major role in the prehistory of the Colorado Desert. This lake formed periodically when the Colorado River broke its channel and flowed into the Salton Basin (Coachella and Imperial valleys), forming a large, deep body of freshwater water. The filling of Lake Cahuilla around 1,070 ago created a rich fresh-water resource that likely attracted people from a number of areas.

Ethnographic Setting

Ethnographically, the project area appears to have been inhabited by the Mountain Serrano, even though it is within the boundaries of traditional Cahuilla territory. Archaeological research in the area indicates that natives identified Yucaipa as being occupied by the Mountain Serrano. Cahuilla territory lies within the geographic center of Southern California and the Cocopa-Maricopa Trail, a major prehistoric trade route that linked the Colorado Desert with the Pacific Coast. Given the territory's close proximity to the Cocopa-Maricopa Trail, interactions with surrounding tribes were extensive.

Despite early contact with European and Spanish explorers, the Cahuilla culture and population remained relatively intact until 1891, when the federal government took an active role in supervising the reservations that were established in 1877. The Cahuilla maintained their autonomy to such a relatively late period due largely to the neighboring tribes blocking land routes to explorers as early as 1774. In addition, once the settlers did infiltrate Cahuilla territory, they used the land primarily for cattle grazing, a practice that was relatively noninvasive compared to the establishment of missions.

Records Search Results

The records search results determined that 40 previous cultural resource studies have been completed within a one-mile radius of the project area; however, there were no previously recorded resources within the project boundaries. Twenty-three resources are known within a one-mile radius of the project area, including one California Point of Historical Interest (see Section 5.4, *Cultural Resources*, Table 5.4-1, *Archaeological and Historical Records within One Mile of Project Site*). The nearest cultural resource was a prehistoric pottery scatter reported (though not recorded by archaeologists) approximately 100 meters to the south of the project's southern portion.

Field Survey Results

Based on the field survey conducted by Cogstone, no prehistoric resources were observed during the cultural resources survey, and no resources were collected.

5.15.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

A4-23

Comment [12/21/16 #2]: All comments SMBMI made to Chapter 5, Section 4 are also applicable to Section 15. SMBMI respectfully requests that the same changes be made here.

2. Response to Comments

5. Environmental Analysis TRIBAL CULTURAL RESOURCES

TCR-1 Cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

5.15.3 Environmental Impacts

The following impact analysis addresses thresholds of significance that may be potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.15-1: The project could impact tribal cultural resources within the project area. [Threshold TCR-1]

Impact Analysis: Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process.

In accordance with AB 52 and SB 18 requirements, the City sent invitation letters to representatives of the Native American contacts provided by the NAHC on July 8, 2016, formally inviting tribes to consult with the City on the Oak Glen Creek Specific Plan. The intent of the consultations is to provide an opportunity for interested Native American contacts to work together with the City during the project planning process to identify and protect tribal cultural resources. Response letters were received from the Colorado River Indian Tribes, Soboba Band of Luiseño Indians, Morongo Band of Mission Indians, and Twenty-Nine Palms Band of Mission Indians (see Appendix D4).

The Colorado River Indian Tribes sent a response letter to the City on August 1, 2016. The tribes are concerned about the removal of artifacts from the project area and corresponding destruction of the tribes' footprint on this landscape. The Colorado River Indian Tribes request that all prehistoric cultural resources, both known and undiscovered sites, be avoided if feasible. If infeasible, the tribes request that the resources be left in situ or reburied in a nearby area after consultation. Additionally, the tribes request to be contacted within 48 hours if any human remains or objects subject to the provisions of the Native American Graves Protection and Repatriation Act, or cultural resources (e.g., sites, trails, artifacts) are identified during ground disturbance. The Colorado River Indian Tribes conclude that they do not have any specific comments on the proposed project and instead defer to the comments of other affiliated tribes.

A4-24

Comment [12/28/16 #3]: San Manuel Band of Mission Indians respectfully requests that comments from the Tribe be added to this section of the DEIR. In addition, SMBMI also requests to initiate formal Consultation with the City of Yucaipa.

2. Response to Comments

OAK GLEN CREEK SPECIFIC PLAN DRAFT EIR
CITY OF YUCAIPA

5. Environmental Analysis TRIBAL CULTURAL RESOURCES

The Soboba Band of Luiseño Indians sent two response letters to the City on August 8, 2016. One letter confirmed receipt of the City's project notification per AB 52 and requested to initiate formal consultation. The other letter was in response to the City's SB 18 consultation opportunity in which the letter concluded that although the project site is outside the existing Soboba reservation, the project does fall within the bounds of Soboba's tribal traditional use areas and is considered to be culturally sensitive. The Soboba Band of Luiseño Indians requested formal consultation and to continue being a consulting tribal entity for the project, to provide Native American monitoring during any ground disturbing activities, including surveys and archaeological testing; and that proper procedures related to cultural artifacts and human remains be taken. As requested, the City of Yucaipa consulted with the Soboba Band of Luiseño Indians on August 30, 2016. The consultation concluded with the tribe requesting mitigation related to archaeological monitoring, treatment and disposition of cultural resources, and discovery of human remains that has been included in Section 5.15.7, *Mitigation*, below.

The Morongo Band of Mission Indians sent a response letter to the City on August 16, 2016. The tribe stated that the project site is outside of their current reservation boundaries but within an area considered to be a traditional use area or one in which the tribe has cultural ties (i.e., Cahuilla or Serrano territory). The tribe requested imposing standard development conditions related to cultural and archaeological resources and buried cultural materials on the proposed project. The Morongo Band of Mission Indians also requested a thorough records search at one of the California Historical Resources Information System Archaeological Information Centers, that a copy of the search results be provided to the tribe, and that a comprehensive archaeological survey be conducted on the project site and any areas of potential effect within the site with a tribal monitor present during the initial pedestrian survey. The tribe requested copies of the completed record search and archaeological survey, which the City provided via email on August 17, 2016. A follow-up email was sent to the tribe on August 31, 2016, asking if the materials requested met the tribe's needs for consultation. On October 26, 2016, the tribe requested archaeological monitoring by a Morongo tribal monitor as a project condition, and the City provided a draft condition for the tribe to review and approve. This concluded consultation with the Morongo Band of Mission Indians.

The Twenty-Nine Palms Band of Mission Indians sent a response letter to the City on September 22, 2016. The tribe stated that they currently have no interest in the project as there are no cultural resources that pertain to the Twenty-Nine Palms Band of Mission Indians.

A Sacred Lands File search was requested from NAHC as a part of the Cultural Resources Assessment prepared by Cogstone. The NAHC responded that there were no known sacred lands within a one-mile radius of the proposed project area (see Appendix C of Cogstone's report). Based on recommendations made by NAHC, Cogstone subsequently sent letters and maps to six Native American contacts requesting any information related to cultural resources heritage sites within or immediately adjacent to the project area as part of the previous Wilson Creek Business Park Specific Plan project. No responses were received.

While the NAHC did not identify known sacred lands within a half mile of the City, during the General Plan Update a representative from the Morongo Band of Mission Indians and the San Manuel Band of Mission Indians had identified that there are tribal cultural resources in the City of Yucaipa (Yucaipa 2016).

A4-24 cont'd

A4-25

Comment [12/21/16 #4]: Is information available on who provided this information to the City of Yucaipa?

2. Response to Comments

5. Environmental Analysis TRIBAL CULTURAL RESOURCES

During site reconnaissance and records search, no prehistoric sites were found within the vicinity of the project site. However, given the presence of two ephemeral water sources (Oak Glen Creek and Wilson Creek) and the prehistory of the area, there is a possibility that the project area may contain significant subsurface archaeological resources.

Therefore, there remains a possibility that the development of the project site through grading and excavation activities could impact previously undisturbed archaeological resources. Thus, impacts to tribal cultural resources are potentially significant.

5.15.4 Cumulative Impacts

Cumulative impacts to cultural resources would occur when the impacts of the proposed project, in conjunction with other projects and development in the region, results in multiple and/or cumulative impacts to tribal cultural resources in the area.

Each future project considered for approval by the City of Yucaipa would be required to have that project's impacts to site-specific tribal cultural resources evaluated as part of CEQA review for the project. Where significant impacts to tribal cultural resources are identified, projects would be required to either avoid impacts or implement feasible mitigation measures to reduce impacts. Projects that would involve substantial amounts of ground disturbance could also damage tribal cultural resources that may be buried in soils. Mitigation measures for reducing tribal cultural resources impacts of such projects would include monitoring by qualified archaeologists and/or Native American tribes and recovery, identification, and curation of any potentially significant resources discovered. Consequently, impacts to tribal cultural resources would not be cumulatively considerable.

5.15.5 Existing Regulations

Federal

- Archaeological Resources Protection Act
- Native American Graves Protection and Repatriation Act

State

- California Public Resources Code Sections 5079–5079.65
- California Senate Bill 18
- Assembly Bill 52

5.15.6 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- **Impact 5.15-1** Tribal cultural resources could be adversely impacted by grading activities associated with the proposed project.

A4-26

Comment [12/21/16 #5]: Please add "brush clearing" to this list

A4-27

Comment [12/21/16 #6]: Please add "... as well as non-discovered surface features and artifacts "

Thank you.

Comment [12/21/16 #7]: Please add "documentation" to this list

A4-28

A4-29

Comment [12/28/16 #8]: Please revise to state: "... could be adversely affected by ground disturbing activities including, but not limited to, grading, brush clearing, trenching, etc. Thank you.

2. Response to Comments

5. Environmental Analysis TRIBAL CULTURAL RESOURCES

5.15.7 Mitigation Measures

Impact 5.15-1

Mitigation Measure 4-1 for cultural resources would also be applicable to Impact 5.15-1 and is reproduced below:

4-1 Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depth, the future developer of the project site shall provide letters to the City of Yucaipa from a qualified archaeologist and paleontologist who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the developer has retained these individuals, and that the consultant(s) will be on call during all grading and other significant ground-disturbing activities. In the event archaeological or paleontological resources are discovered during ground-disturbing activities, a professional archeological or paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological or paleontological monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA). If archaeological or paleontological resources are recovered, they shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the San Bernardino County Museum (SBCM), or any other local museum or repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City, and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.

If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or the archaeologist on call shall contact the Morongo Band of Mission Indians. If requested by the Morongo Band of Mission Indians, the developer or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.).

The following mitigations would also apply to Impact 5.15-1.

15-1 Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the future developer shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer and interested tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the project. The developer shall make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in

A4-30

Comment [12/21/16 #9]: All comments SMMEMI made to Chapter 5, Section 4 are also applicable to Section 15. SMMEMI respectfully requests that the same changes be made here.

2. Response to Comments

| OAK GLEN CREEK SPECIFIC PLAN DRAFT EIR CITY OF YUCAIPA | |
|--|---|
| 5. Environmental Analysis TRIBAL CULTURAL RESOURCES | |
| | place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject to future development, erosion or flooding. |
| 15-2 | <p>Archaeological Monitoring. At least 30-days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the future developer shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.</p> <ol style="list-style-type: none"> 1. The project archaeologist, in consultation with interested tribes, the developer and the City of Yucapa, shall develop an Archaeological Monitoring Plan (AMP) to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the AMP shall include: <ol style="list-style-type: none"> a. Project grading and development scheduling; b. The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists; c. The protocols and stipulations that the developer, City, Tribes and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation <p>Pursuant to the AMP, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians and/or Soboba Band of Luisefño Indians) shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities.</p> |
| | <p>A4-31</p> <p>Comment [12/21/16 #10]: Please add "brush clearance" to this list Thank you.</p> |
| | <p>A4-32</p> <p>Comment [12/28/16 #11]: Please revise to state: Ground disturbance-based activities (including, but not limited to brush cleaning, grading, trenching, etc.)" Thank you.</p> |
| | <p>A4-33</p> <p>Comment [12/21/16 #12]: Please add San Manuel Band of Mission Indians to this list of tribes. Thank you.</p> |
| 15-3 | <p>Treatment and Disposition of Cultural Resources. In the event that Native American cultural resources are inadvertently discovered during the course of grading for the proposed project, the following procedures will be carried out for treatment and disposition of the discoveries:</p> <ol style="list-style-type: none"> 1. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and |
| | <p>A4-34</p> <p>Comment [12/28/16 #13]: Please revise to state: ". during the course of any ground disturbing activities, including but not limited to brush clearance, grading, trenching, etc." Thank you.</p> |
| <p>December 2016 Page 5.15-11</p> | |

2. Response to Comments

5. Environmental Analysis

TRIBAL CULTURAL RESOURCES

2. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Yucaipa with evidence of same:
- Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until **all cataloguing and basic recordation have been completed.**
 - A curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Bernardino County, to be accompanied by payment of the fees necessary for permanent curation:
 - For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the San Bernardino County Museum by default;
 - At the completion of grading, excavation and ground disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City, County Museum, and consulting tribes.

15-4 **Discovery of Human Remains.** In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the San Bernardino County Coroner and the City of Yucaipa Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5

A4-35

Comment [12/21/16 #14]: Sentence should read:
"... all cataloguing, basic analysis, other analyses as recommended by the project archaeologist and approved by consulting tribes have been completed, all documentation should be at a level of standard professional practice to allow the writing of a report of professional quality."

2. Response to Comments

A4. **Response to Comments from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians, dated December 28, 2016.**

Upon receipt of the letter from the San Manuel Band of Mission Indians (SMBMI) for the DEIR, on December 15, 2016 requesting consultation, the City of Yucaipa staff consulted with Joan Schneider from the San Manuel on December 19, 2016 to discuss the Tribe's concerns about the Specific Plan and the DEIR. Response to the previous letter submitted by the San Manuel Band of Mission Indians, can be found in response to Comment Letter A2.

A4-1 The SMBMI requested additional information describing the importance of the SMBMI in Yucaipa in the ethnographic setting. Specific revisions requested by the SMBMI were included as an attachment to this Comment letter. Requested revisions to the ethnographic setting requested by SMBMI are identified in Comment A4-12.

A4-2 The cultural resources reconnaissance survey was based on standard protocols for identifying cultural resources per Section 106 of the National Historic Preservation Act. The transect width was appropriate for the potential types of sites that were expected to be encountered based on the literature review and survey conditions, as determined by the archeologist during the onsite field investigation. The pedestrian survey consisted of archaeologists walking in transects spaced at approximately 15 to 30 meter intervals over the project parcel while closely inspecting the ground surface. In response to this comment and because ground visibility during the site reconnaissance survey was low (5-30 percent visibility), Mitigation Measure 4-1 has been revised to ensure an archeological monitor is onsite to monitor vegetation removal, in addition to other ground-disturbing activities (e.g., excavation and grading). The mitigation measure has also been revised to ensure that if unanticipated discoveries occur, all earthmoving activities are required to halt with 50 feet of the discovery until it can be evaluated by the qualified archeologist. Revisions to Mitigation Measure 4-1 can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.

A4-3 Sections 5.4, *Cultural Resources*, and 5.15, *Tribal Cultural Resources*, with comments from SMBMI are attached to Comment Letter A4. The terminology used within the Cultural Resources Report, including the "Greven Knoll" and the "Peninsular" chronological patterns identified, follows the chronological and cultural units used by archeologists for cultural resource evaluations and they are identified by the Society for California Archeology. While not commonly used in layman's conversation, this terminology accurately reflects the prehistoric chronology used in the Cultural Resources report. Additionally, SMBMI does not identify alternative terminology.

A4-4 Sections 5.4, *Cultural Resources*, and 5.15, *Tribal Cultural Resources*, document that there is potential for undiscovered cultural resources in the project area. Comment noted.

A4-5 A site reconnaissance survey has been conducted for the project site (see Sections 5.4, *Cultural Resources*, and 5.15, *Tribal Cultural Resources*). Additionally, Mitigation Measure 4-1

2. Response to Comments

requires that a qualified archeologist and paleontologist be on-call during grading in order to ensure that impacts to potential buried archeological, paleontological, and historic resources are not impacted as a result of subsurface grading activities. Mitigation Measure 15-2 requires that a Native American Monitor be present onsite during ground disturbing activities to ensure that potential impacts to potential buried tribal cultural resources are not impacted as a result of subsurface grading activities. Because the monitor has the authority to halt work and suspend construction activities; and if the discoveries are cultural resources, then such resources would be conserved and impacts would be mitigated.

- A4-6 The PDF versions of Sections 5.4, *Cultural Resources*, and 5.15, *Tribal Cultural Resources*, with comments from SMBMI are attached to Comment Letter A4 and lined with comment numbers so PlaceWorks can directly respond to every comment see response to Comment A4-8). The tribes concern with the potential for the site to uncover pre-historic and historic tribal cultural resources is noted.
- A4-7 Mitigation Measure 15-2 has been revised per SMBMI's request to be identified as a Native American Monitor during ground disturbing activities. Pursuant to the Archeological Monitoring Plan (AMP), as revised, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, Soboba Band of Luiseño Indians, and/or San Manuel Band of Mission Indians) shall be present during the grading activities. The Mitigation Measure also gives the Native American tribal monitor(s) the authority to stop and redirect grading activities in coordination with all project archaeologists if potentially significant cultural resources are found. A new Mitigation Measure 15-5 has been added to the EIR that allows additional Native American Monitors onsite on a volunteer basis. Revisions to this mitigation and the new Mitigation Measure 15-5 can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-8 Comment acknowledged. The PDF versions of Sections 5.4, *Cultural Resources*, and 5.15, *Tribal Cultural Resources*, with comments from SMBMI are attached to Comment Letter A4 and lined with comment numbers so PlaceWorks can directly respond to every comment.
- A4-9 See response to Comment A4-3. The transect width was appropriate for the potential types of sites that were expected to be encountered based on the literature review and survey conditions, as determined by the archeologist during the onsite field investigation. Future projects within the Oak Glen Creek Specific plan are not subject to additional field investigation. However, a tribal cultural resources monitor will be present onsite during all ground disturbing activities in accordance with Mitigation Measure 15-2.
- A4-10 See response to Comment A4-3 and A4-9.
- A4-11 The terminology used within the Cultural Resources Report, including the "Grevan Knoll" and the "Peninsular" chronological patterns identified, follows the chronological

2. Response to Comments

and cultural units identified by the Society for California Archeology. While not commonly used in layman's conversation, this terminology accurately reflects the prehistoric chronology used in the Cultural Resources report. Additionally, SMBMI does not identify alternative terminology.

- A4-12 SMBMI requests that the Serrano people be added to the Ethnographic section. The ethnographic section states that the project area was "inhabited by the Mountain Serrano". At the request of the Commenter, the requested information has been added to the EIR, and can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-13 Text referencing Section 5.15, *Tribal Cultural Resources*, of the DEIR, to the appropriate protocol in the event of inadvertent cultural resources discoveries is added and can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-14 Text referencing Section 5.15, *Tribal Cultural Resources*, of the DEIR, to the appropriate protocol in the event of inadvertent human remains discoveries is added and can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-15 Because this section is evaluating impacts to archeological, paleontological, and historic resources, which are all cultural resources, the requested revision has not been made.
- A4-16 Mitigation Measure 4-1 requires that a qualified archeologist and paleontologist be on-call during grading in order to ensure that impacts to potential buried archeological, paleontological, and historic resources are not impacted as a result of subsurface grading activities. Because the monitor has the authority to halt work and suspend construction activities; and if the discoveries are cultural resources, then such resources would be conserved and impacts would be mitigated. Therefore, the requested revision has not been made. Furthermore, tribal cultural resources, which are address in Section 5.15, have additional protections, as identified in Mitigation Measure 15-2 through 15-4, in Section 5.15, *Tribal Cultural Resources*. Pursuant to Mitigation Measure 15-2, the project archeologist, in consultation with the tribes, are require to develop an Archeological Monitoring Plan (AMP).
- A4-17 At the request of the Commenter, the requested information has been added to the EIR, and can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-18 At the request of the Commenter, the requested information has been added to the EIR, and can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-19 The comment suggests revising Mitigation Measure 4-1 to include details regarding Native American monitoring. However, Mitigation Measure 15-2 in Section 5.15, *Tribal*

2. Response to Comments

Cultural Resources, of the DEIR already includes the suggested revisions and is more specific to Native American tribal monitoring. Mitigation Measure 15-2 requires a qualified archaeological monitor to monitor all ground-disturbing activities and prepare an Archaeological Monitoring Plan (AMP) in consultation with interested tribes. Pursuant to the AMP, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, Soboba Band of Luiseño Indians and/or San Manuel Band of Mission Indians) shall be present during the grading activities and the measure also gives the Native American tribal monitors authority to stop and redirect grading activities in coordination with all project archaeologists if potentially significant cultural resources are found. Further, the AMP, prepared in consultation with interested tribes, shall include details regarding the protocols and stipulations that the developer, City of Yucaipa, tribes and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. Mitigation Measure 15-3 provides additional protocol regarding treatment and disposition of cultural resources. Therefore, the requested revision has not been made.

- A4-20 The last paragraph in Mitigation Measure 4-1 addresses SMBMI's comment requesting that permission be granted by the consulting tribes for discovered cultural resources to be "offered" to museums or academically oriented institutions. If the discovered cultural resource is identified as a significant tribal cultural resource, the developer or project archaeologist shall contact the applicable Native American tribe(s) and shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.). Therefore, no found tribal cultural resources would be offered to a museum/institution without consultation with the appropriate tribe(s) (see also Mitigation Measure 15-3).

The City of Yucaipa would not be the property owner of the entire Specific Plan area. Therefore, the commenter is correct in assuming that the future property owners would be responsible for the costs associated with the final disposition of found archaeological materials.

- A4-21 See response to Comment A4-19 above. Pursuant to the AMP, to be prepared by the project archaeologist in consultation with interested tribe(s), a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and/or Soboba Band of Luiseño Indians) shall be present during the initial grading activities. Tribal monitor(s) would be allowed onsite based on a rotating or simultaneous schedule which will be determined as part of the AMP. If the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the Native American Heritage Commission shall decide the appropriate tribal group as monitor for the proposed project. See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for the changes to Mitigation Measures 15-2 and 15-3 requested by the Commenter. The treatment and disposition of tribal cultural

2. Response to Comments

resources would also be developed in consultation with Native American tribe(s) per Mitigation Measure 15-3.

Additionally, Mitigation Measure 15-5 has been added as part of the FEIR which would allow Native American archaeological monitors to access the project site on a volunteer basis to monitor grading and excavation activities.

- A4-22 See response to Comment A4-11.
- A4-23 SMBMI requests that the Serrano people be added to the Ethnographic section. The ethnographic section states that the project area was “inhabited by the Mountain Serrano”. At the request of the Commenter, the requested information has been added to the EIR, and can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-24 Upon receipt of the letter from the San Manuel Band of Mission Indians (SMBMI) for the DEIR, on December 15, 2016 requesting consultation, the City of Yucaipa staff consulted with Joan Schneider from the San Manuel on December 19, 2016 to discuss the Tribe’s concerns about the Specific Plan and the DEIR. At the request of the Commenter, the requested information has been added to the EIR, and can be found in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-25 The City of Yucaipa met with the Soboba Band of Luiseño Indians on May 26, 2015, the San Manuel Band of Mission Indians on June 3, 2015, and the Morongo Band of Mission Indians on July 2, 2015 during the General Plan Update. The reference to identified tribal cultural resources in the City of Yucaipa was a general comment from the tribes during the consultation process, no specific resources were identified.
- A4-26 The text has been revised per SMBMI’s request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-27 The text has been revised per SMBMI’s request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-28 The text has been revised per SMBMI’s request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-29 The text has been revised per SMBMI’s request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-30 See response to Comment A4-18 through A4-21 above.
- A4-31 The text has been revised per SMBMI’s request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.

2. Response to Comments

- A4-32 The text has been revised per SMBMI's request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-33 The text has been revised per SMBMI's request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-34 The text has been revised per SMBMI's request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A4-35 The text has been revised per SMBMI's request and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.

2. Response to Comments

LETTER A5 – Soboba Band of Mission Indians (3 pages)

January 19, 2017

Attn: Benjamin J. Matlock, Associate Planner
City of Yucaipa
Development Services Department
34272 Yucaipa Boulevard
Yucaipa, CA 92399



RE: Draft Environmental Impact Report – Oak Glen Creek Specific Plan (Case No. 16-048/SP); State Clearinghouse No. 2016051024

The Soboba Band of Luiseno Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in proximity to known sites, is a shared use area that was used in ongoing trade between the tribes, and is considered to be culturally sensitive by the people of Soboba. | A5-1

Soboba Band of Luiseno Indians is requesting the following:

1. **Government to Government** consultation in accordance to SB 18. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur. | A5-2
2. Soboba Band of Luiseno Indians continue to be a consulting tribal entity for this project. | A5-3
3. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseno Indians requests that Native American Monitor(s) from the Soboba Band of Luiseno Indians Cultural Resource Department to be present during any ground disturbing proceedings. Including surveys and archaeological testing. | A5-4
4. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment) | A5-5

Sincerely,



Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

2. Response to Comments

Cultural Items (Artifacts). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer should agree to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

A5-6

The Developer should waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archaeological analysis, the Developer should return said artifacts to the Soboba Band within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.

Treatment and Disposition of Remains

A. The Soboba Band shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

B. The Soboba Band, as MLD, shall complete its inspection within twenty-four (24) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98 (a). The Parties agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.

A5-7

C. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The Soboba Band, as the MLD in consultation with the Developer, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains.

D. All parties are aware that the Soboba Band may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Developer should accommodate on-site reburial in a location mutually agreed upon by the Parties.

E. The term "human remains" encompasses more than human bones because the Soboba Band's traditions periodically necessitated the ceremonial burning of human remains. Grave goods are those artifacts associated with any human remains. These items, and other funerary remnants and their ashes are to be treated in the same manner as human bone fragments or bones that remain intact

2. Response to Comments

Coordination with County Coroner's Office. The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (e).

A5-8

Non-Disclosure of Location Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

A5-9

Confidentiality: The entirety of the contents of this letter shall remain confidential between Soboba and the City of Yucaipa. No part of the contents of this letter may be shared, copied, or utilized in any way with any other individual, entity, municipality, or tribe, whatsoever, without the expressed written permission of the Soboba Band of Luiseño Indians.

2. Response to Comments

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2. Response to Comments

A5. **Response to Comments from Joseph Ontiveros, Soboba Cultural Resources Department, Soboba Band of Luiseño Indians, dated January 19, 2017.**

- A5-1 Comment noted: The Soboba Band of Luiseño Indians considers the project location to be culturally sensitive.
- A5-2 Tribal consultation requests were sent to the Soboba Band of Luiseño Indians in July 2016. As identified in Section 5.15, Tribal Cultural Resources, in the DEIR, the Soboba Band of Luiseño Indians sent two response letters to the City on August 8, 2016. One letter confirmed receipt of the City's project notification per AB 52 and requested to initiate formal consultation. The other letter was in response to the City's SB 18 consultation opportunity in which the letter concluded that although the project site is outside the existing Soboba reservation, the project does fall within the bounds of Soboba's tribal traditional use areas and is considered to be culturally sensitive. As requested, the City of Yucaipa consulted with the Soboba Band of Luiseño Indians on August 30, 2016. The consultation concluded with the tribe requesting mitigation related to archaeological monitoring, treatment and disposition of cultural resources, and discovery of human remains that has been included in Section 5.15.7, *Mitigation*.
- A5-3 Comment noted: The Soboba Band of Luiseño Indians is a consulting tribal entity for this project.
- A5-4 Pursuant to the consultation meeting with the Soboba Band of Luiseño Indians, the DEIR included Mitigation Measure 15-2, which requires an onsite Native American Monitor. Pursuant to the Archeological Monitoring Plan (AMP), a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, Soboba Band of Luiseño Indians, and/or San Manuel Band of Mission Indians) shall be present during the grading activities and the measure also gives the Native American tribal monitors authority to stop and redirect grading activities in coordination with all project archaeologists if potentially significant cultural resources are found. A new Mitigation Measure 15-5 has been added to the EIR that allows additional Native American Monitors onsite on a volunteer basis and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A5-5 Mitigation Measure 15-2 also requires that the AMP, prepared in consultation with interested tribes, shall include details regarding the protocols and stipulations that the developer, City of Yucaipa, tribes and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. Mitigation Measure 15-3 provides additional protocol regarding treatment and disposition of cultural resources.
- A5-6 See response to Comment A5-5. If the discovered cultural resource is identified as a significant tribal cultural resource, the developer or project archaeologist shall contact

2. Response to Comments

the applicable Native American tribe(s) and shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.). Therefore, no found tribal cultural resources would be offered to a museum/institution without consultation with the appropriate tribe(s) (see also Mitigation Measure 15-3).

A5-7 Mitigation Measure 15-4 details the requirements in the inadvertent discovery of human remains. If human remains are determined as those of Native American origin, then the project is required to comply with the state relating to the disposition of Native American burials (and reburials) that fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097). The coroner will contact the NAHC to determine the most likely descendant(s)(MLD). The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public.

A5-8 See response to Comment A5-7.

A5-9 See response to Comment A5-7.

2. Response to Comments

LETTER A6 – San Bernardino County Department of Public Works (2 pages)



825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.8109 Fax: 909.387.7876

www.SBCounty.gov

Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Gerry Newcombe
Director

January 20, 2017

City of Yucaipa
Benjamin Matlock, Associate Planner
34272 Yucaipa Blvd.
Yucaipa, CA. 92399
pmatlock@yucaipa.org

File: 10(ENV)-4.01

RE: NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OAK GLEN CREEK SPECIFIC PLAN FOR THE CITY OF YUCAIPA

Dear Mr. Matlock,

Thank you for allowing the County of San Bernardino Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on December 2, 2016** and pursuant to our review, the following comments are provided:

Environmental Management Division (Marc Rodabaugh, Stormwater Program Manager, 909-387-8112):

On Page 5.8-2 of the DEIR, the last paragraph, the sentence reads: "These requirements are detailed in the San Bernardino County Model Water Quality Management Plan (WQMP) and supplemental technical guidance document, revised May 2012 which the City of Yucaipa has incorporated into its project approval process. This is incorrect, and use of this version is not in compliance with our NPDES MS4 Permit requirements. The sentence should be re-written in the Final EIR to reflect utilization of the updated WQMP version as follows: "These requirements are detailed in the San Bernardino County Model Water Quality Management Plan (WQMP) and supplemental technical guidance document, revised **June 2013** which the City of Yucaipa has incorporated into its project approval process."

Water Resources Division (Mary Lou Mermilliod, PWE III, 909-387-8213):

1. According to the most recent FEMA Flood Insurance Rate Map, 06071C8745H, dated August 28, 2008, it appears that the site is located within Zones A, X, shaded and X, unshaded. We recommend that the project include, and the City enforce, the most recent FEMA regulations for development in the Special Flood Hazard Area (SFHA). This should be analyzed and discussed in the adopted EIR.
2. It is important to note that the majority of the project area is currently held in fee or easement by the San Bernardino County Flood Control District (District), portions of which will have to be sold to private owners. We recommend that the FEIR acknowledge the land ownership constraints and the necessity for resolution.

BOARD OF SUPERVISORS

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Intro

A6-1

A6-2

A6-3

2. Response to Comments

B. Matlock, City of Yucaipa
NOA DEIR Oak Glen Creek Specific Plans
January 20, 2017
Page 2 of 2

Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

Since this project is located on Potato Creek Spreading Grounds and Wilson Creek right-of-way, and refers to the realignment of Wilson Creek and Oak Glen Creek, any work affecting these facilities or right-of-way would need a Flood Control Permit. The Final EIR should acknowledge that permits are required from the District for any impacts to Potato Creek Spreading Grounds, Wilson Creek, and Oak Glen Creek. A6-4

We respectfully request to be included on the circulation list for all project notices and reviews. In closing, I would like to thank you again for allowing the County of San Bernardino Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above. A6-5

Sincerely,



Michael R. Perry
Supervising Planner
Environmental Management

MRP:PE:sr

2. Response to Comments

A6. Response to Comments from Michael R. Perry, Supervising Planner, Environmental Management, San Bernardino County Department of Public Works, dated January 20, 2017.

- A6-1 The text referring to the updated Water Quality Management Plan and supplemental technical guidance document has been revised per San Bernardino County Department of Public Works and is detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR.
- A6-2 Impact 5.8-4 in Section 5.8, Hydrology and Water Quality, in the DEIR detail that the proposed project is within the 100-year floodplains and analyze potential impacts associated with the proposed project. The proposed project would be required to follow the FEMA regulations. The proposed improvements and realignment of Wilson Creek would result in the channelization of the 100-year flows and take portions of the Residential and Open Space districts out of the 100-year flood hazard zone. The project applicant would be required to submit a letter of map revision to Federal Emergency Management Agency (FEMA) in order to change the existing flood insurance rate maps (FIRM) to reflect changes to the 100-year flood zones after Wilson Creek and Oak Glen Creek are realigned and the proposed detention basin is implemented.
- A6-3 Comment Noted. The ownership patter of the project is described in Chapter 4, Environmental Setting, and the project description identifies the San Bernardino Flood Control District (SBCFCD) as a Responsible Agency and describes that The development of the Residential and Innovation Districts north of Oak Glen Creek would require a change in ownership from the SBCFCD and City of Yucaipa to provide for development by private owners and/or other public agencies.
- A6-4 Comment acknowledged. The project applicant would require a Flood Control Permit from the SBCFCD (see response to Comment A6-3).
- A6-5 The SBCFCD is included on the distribution list for the EIR and will be notified of future activities associated with the proposed project.

2. Response to Comments

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2. Response to Comments

LETTER A7 – California Department of Fish and Wildlife (6 pages)



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



January 20, 2017
Sent via email

Mr. Benjamin Matlock
Associate Planner
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399
bmatlock@yucaipa.org

Subject: Draft Environmental Impact Report
Oak Glen Creek Specific Plan Project
State Clearinghouse No. 2016051024

Dear Mr. Matlock:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Oak Glen Creek Specific Plan Project (project) [State Clearinghouse No. 2016051024]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The primary purpose of the project is to provide flood attenuation and sediment reduction. Specifically the project proposes the realignment of Wilson Creek and channelization of Oak Glen Creek into a retention basin. Following these modifications the site will accommodate a Residential District over 47.7 acres, an Open Space District covering 57.6 acres, and an Innovation District covering 6.7 acres. The approximate 116 acre project site is located south of Oak Glen Road, west of Bryant Street, north of Persimmon Avenue, and east and west of Second Street in the City of Yucaipa, San Bernardino County.

Conserving California's Wildlife Since 1870

Intro

2. Response to Comments

Draft Environmental Impact Report
Oak Glen Creek Specific Plan Project
SCH No. 2016051024
Page 2 of 6

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City of Yucaipa (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources.

A7-1

Following review of the DEIR the Department has concerns regarding the assessment of biological resources, and the adequacy and enforceability of mitigation measures proposed by the City. The Department's comments and recommendations on the DEIR include:

Assessment of Biological Resources

Botanical Surveys

Botanical surveys were conducted east of 2nd Street from April through July, 2011 and from February through May 2012. The Department is concerned that these surveys may have been inadequate to form a complete inventory of the plant species present on the site for the following reasons:

A7-2

1. The surveys are over five years old. It is possible that some species that were not observed during these surveys may have since spread to the project site.
2. Conditions have changed since the surveys occurred. The surveys took place during dry years. Due to the ongoing drought, some sensitive plant species potentially present on the site may have failed to bloom. Other species may have been present in the seedbank or in bulb form. Annual and short-lived perennial plant species and plants with persistent long-lived seed banks may not germinate every year. In addition, the phenological development of some plants may be altered because of the drought. Because of these conditions, the failure to locate a plant during the floristic surveys completed during these two years does not constitute evidence that additional sensitive species may be absent from the surveyed location. Given recent rainfall totals, it is possible that we may expect changes in the observable species assemblage this coming spring and summer.

A7-3

In order to provide a more complete and current description of the baseline conditions of the site, the Department recommends that focused surveys

A7-4

2. Response to Comments

Draft Environmental Impact Report
Oak Glen Creek Specific Plan Project
SCH No. 2016051024
Page 3 of 6

following the Department's 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Communities be conducted this year (2017), during appropriate seasons, and that the results be included in the Final EIR (FEIR). If additional special-status plant populations are observed, the FEIR should include appropriate avoidance, minimization, and/or mitigation measures to address additional impacts.

A7-4
cont'd

Sensitive wildlife surveys

According to the DEIR California gnatcatcher, burrowing owl, and small mammal surveys were completed in spring 2012. The Department is concerned that these surveys are inadequate to form a complete and current inventory of sensitive wildlife species present on the site for the following reasons:

A7-5

1. No information is provided in the DEIR or Appendix C detailing the specific methodology that was used to complete the small mammal surveys, and no information is provided on where surveys were completed. Further, as neither the DEIR nor Appendix C includes the small mammal survey report, the Department is unclear on whether systematic, protocol-level surveys were completed across the *entirety* of the project site.
2. Over five years have passed since these surveys took place. Even if protocol surveys had determined the absence of California gnatcatcher, burrowing owl, and listed small mammal species from the site in 2012, enough time has passed since then to allow these species to disperse naturally onto the site.

A7-6

In order to determine whether California gnatcatcher, burrowing owl, and listed and sensitive small mammal species are present on-site, we recommend that a qualified and permitted biologist conduct focused surveys in coordination with the United States Fish and Wildlife Service (USFWS), and that the survey results be included in the FEIR. If updated surveys detect the presence of any additional sensitive wildlife species the FEIR should include appropriate avoidance, minimization, and/or mitigation measures to address these impacts.

A7-7

Jurisdictional Waters

The Department requires notification for work undertaken in or near any river, stream, or lake that flows at least episodically, including ephemeral streams, desert washes, and watercourses with a subsurface flow. Fish and Game Code section 1602 states, "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless all of the following occur...." Upon receipt of a

A7-8

2. Response to Comments

Draft Environmental Impact Report
Oak Glen Creek Specific Plan Project
SCH No. 2016051024
Page 4 of 6

complete notification, the Department determines if the activities may substantially adversely affect existing fish and wildlife resources.

A7-8
cont'd

Page 5.3-4 of the DEIR states "CDFW regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife." This text infers that the Department, and the Department's Lake and Streambed Alteration Program, have adopted the definition of a stream defined in CCR, Title 14, Section 1.72. This is not the case. The Fish and Game Commission defines in CCR, Title 14, Section 1.72, Stream (includes Creeks and Rivers) and further describes in Title 14, Section 720, Designation of Waters of Department Interest for the purposes of implementing Section 1601 and 1603 of the Fish and Game Code. The Department recommends that the City cite Fish and Game Code section 1600 *et seq.* when describing the Department's regulatory authority, which is inclusive of any river, stream, or lake.

A7-9

Based on the City's presumed use of CCR, Title 14, Section 1.72, the Department is concerned that the DEIR may not have appropriately mapped all areas subject to section 1602 of the Fish and Game Code. Note that the Department's issuance of a Lake or Streambed Alteration (LSA) Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. The Department recommends that the City review all mapping completed within the project site and ensure that mapping was completed with reference to Fish and Game Code section 1600 *et seq.* If this assessment detects the presence of additional areas subject to Fish and Game Code section 1600 *et seq.* the FEIR should include appropriate avoidance, minimization, and/or mitigation measures to address these additional impacts.

A7-10

Mitigation Measures

Mitigation Measure 3-1 provides mitigation measures for impacts to burrowing owl, but fails to detail specific compensatory mitigation for the loss of burrowing owl nesting or foraging habitat, should burrowing owl be detected on site. The measure also fails to include a specific timeline for the implementation of compensatory mitigation. The measure instead infers that appropriate mitigation may be developed at a later time in consultation with the Department and the USFWS: "If burrowing owls are detected onsite during the take avoidance survey effort, a burrowing owl mitigation plan which includes project specific avoidance and minimization measures shall be developed based on CDFW and USFWS requirements." Because the measure fails to provide specific and enforceable compensatory mitigation for impacts to owl, the Department questions the City's finding that impacts will be less than significant after mitigation.

A7-11

2. Response to Comments

Draft Environmental Impact Report
Oak Glen Creek Specific Plan Project
SCH No. 2016051024
Page 5 of 6

The Department recommends that the City revise Mitigation Measure 3-1 to include specific and enforceable compensatory mitigation for potential impacts to burrowing owl foraging and/or nesting habitat. The measure should propose specific acreage to compensate for potential impacts, and detail the location of the proposed mitigation site. The measure should also specify the timing of the implementation of the compensatory mitigation plan in relation to the commencement of project activities. To minimize temporal impacts, the Department recommends that the City condition the implementation of a compensatory mitigation strategy for impacts to burrowing owl *prior* to issuance of a grading permit.

A7-12

Please note that CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

A7-13

Mitigation Measure 3-2 provides mitigation measures for impacts to Parry's spineflower, but fails to specify the acreage of Parry's spineflower occupied habitat or number of individuals that will be conserved as compensatory mitigation for project-related impacts to this species. The DEIR describes that the project will impact 0.7 acres of habitat occupied by Parry's spineflower and will avoid 0.24 acres of occupied habitat. The DEIR further states that in 2012, 6,663 Parry's spineflower individuals were detected within the project site, however the DEIR does not disclose the number of individuals that will be impacted by the project. The Department requests that this information be disclosed in the DEIR. Further, as previously discussed, the Department recommends that the City complete updated special status plant species surveys and that the results of these surveys be included in the FEIR. Unless the FEIR includes an accurate assessment of current baseline conditions, the Department questions the City's finding that Mitigation Measure 3-2 will reduce impacts to a less than significant level.

A7-14

The Department is also concerned by the lack of discussion of the ecological requirements of Parry's spineflower in the DEIR and how these requirements will be addressed through the implementation of Mitigation Measure 3-2. Mitigation Measure 3-2 also fails to identify the location of the proposed compensatory mitigation site, the acreage of the site, the density or number of Parry's spineflower individuals that will be protected, how the mitigation site will be

A7-15

2. Response to Comments

Draft Environmental Impact Report
Oak Glen Creek Specific Plan Project
SCH No. 2016051024
Page 6 of 6

protected and managed in perpetuity, or the timeline for implementation of the compensatory mitigation in relation to the commencement of project-related activities. The Department recommends that the City address these deficiencies in Mitigation Measure 3-2 prior to adoption of the FEIR. To minimize temporal impacts, the Department recommends that the City condition the implementation of the compensatory mitigation strategy for impacts to Parry's spineflower *prior* to issuance of a grading permit.

A7-15
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The Department is also concerned by the lack of discussion in the DEIR regarding the fate of the 0.24 acres of Parry's spineflower occupied habitat and whether this area will be protected. The Department requests that the City clarify in the DEIR if the 0.24-acre of Parry's spineflower occupied habitat occurs within the 25-acre mitigation site that is proposed to offset the loss of 90-acres of raptor foraging and small mammal habitat. The Department also requests that the City clarify in the DEIR the mechanism by which these 25 acres will be protected and managed, for example through the recordation of a conservation easement in favor of a Department-approved local conservation entity and the provision of sufficient funds to ensure that the site is managed to provide conservation value in-perpetuity.

A7-16

Mitigation Measure 3-5 provides mitigation measures for project-related impacts to 90-acres of sensitive habitat. The measure fails to include a specific timeline for the implementation of Mitigation Measure 3-5. The Department recommends that the City condition the implementation of Mitigation Measure 3-5 *prior* to issuance of a grading permit.

A7-17

Department Conclusions and Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the Oak Glen Creek Specific Plan Project (SCH No. 2016051024) and recommends that the City address the Department's comments and concerns prior to adoption of the FEIR.

A7-18

If you should have any questions pertaining to the comments provided in this letter, and to schedule a meeting, please contact Joanna Gibson at (909) 987-7449 or at Joanna.Gibson@wildlife.ca.gov.

Sincerely,


for Leslie MacNair
Regional Manager

ec: State Clearinghouse

2. Response to Comments

A7. Response to Comments from Leslie MacNair, Regional Manager, California Department of Fish and Wildlife Inland Deserts Region, dated January 20, 2017.

A7-1 The California Department of Fish and Wildlife (CDFW) has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. The CDFW is identified as a Responsible Agency for the proposed project. Responses to CDFW's comments can be found in response to Comments A7-2 through A7-17.

A7-2 As discussed in Section 5.3, *Biological Resources*, of the Draft EIR (page 5.3-13), botanical surveys were previously conducted by Cadre Environmental within the project site to identify special-status plants from April through July 2011, and February through May 2012, respectively. According to the Cadre Environmental Sensitive Species Survey Report (2012), a total of 29 target special-status plant species were identified and surveyed for within the project site. Focused surveys resulted in the detection of one species: Parry's spineflower (*Chorizanthe parryi* var. *parryi*), with a total population of 6,663 individuals (0.94-acres). Parry's spineflower is a southern California endemic and is a California Rare Plant Rank 1B.1 (1B denotes a rare, threatened, or endangered species in California, and 0.1 means seriously threatened in California).

The City retained Dudek Associates (Dudek) to conduct focused botanical surveys during the 2017 spring season, as an update to the 2011/2012 botanical survey results. Dudek botanists conducted the surveys in April and June 2017. The only special-status plant species recorded on site during the 2017 botanical surveys was the Parry's spineflower. The 2011 and 2012 focused surveys conducted by Cadre Environmental mapped a total of 6,663 individuals of Parry's spineflower within the project site. During the 2017 botanical surveys, Dudek mapped a total of approximately 4,590 individuals (0.26 acre) of Parry's spineflower that had not previously been recorded. Project impacts to sensitive plant species are discussed under Section 5.3.3 of the Draft EIR (page 5.3-22). As set forth in Mitigation Measure 3-2, the City of Yucaipa shall develop and implement a Sensitive Plant Species Mitigation Plan to mitigate for the loss of Parry's spineflower.

See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-2.

A7-3 The City acknowledges CDFW's comment regarding the drought conditions prior to 2017 and concurs that the increased rainfall totals experienced during the 2016/2017 winter season could result in the germination of additional sensitive plant species. As described above under response to Comment A7-2, the City retained Dudek to conduct focused botanical surveys during the 2017 spring season, as an update to the 2011/2012 botanical survey results. The only special-status plant species recorded on site during the 2017 botanical survey was the Parry's spineflower, which was also mapped during the

2. Response to Comments

2011/2012 botanical survey. The results of the 2017 botanical survey indicate that the mapped individuals of Parry's spineflower increased by 4,590 individuals (0.26 acre) from those mapped in 2011/2012. Project impacts to sensitive plant species shall be mitigated through implementation of Mitigation Measure 3-2, which requires the development and implementation of a Sensitive Plant Species Mitigation Plan. See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-2.

A7-4 As described above, under response to comments A7-2 and A7-3, the City retained Dudek to conduct focused botanical surveys during the 2017 spring season, to update to the 2011/2012 botanical surveys prepared by Cadre Environmental. As described on page 3 of the 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project Report (see Appendix A3 of this FEIR), the focused special-status plant surveys conformed to the California Native Plant Society Botanical Survey Guidelines (CNPS 2001); Protocols for Surveying and Evaluating Impacts to Special Status Native Populations and Natural Communities (CDFG 2009); and U.S. Fish and Wildlife Services General Rare Plant Survey Guidelines (Cypher 2002).

Dudek botanists conducted the surveys in April and June 2017, which coincided with the blooming period for all 29 target species, with the exception of one July blooming species; the San Bernardino aster (*Symphotrichum defoliatum*). A reference population check was conducted for this species on June 20, 2017 in Lebec, California, which confirmed that this species would have been detected and identifiable in both the flowering and vegetative state during the June 2017 focused survey.

The only special-status plant species recorded on site during the 2017 botanical survey was the Parry's spineflower, which was also mapped during the 2011/2012 botanical survey. The results of the 2017 botanical survey indicate that the mapped individuals of Parry's spineflower increased by 4,590 individuals (0.26 acre) from those mapped in 2011/2012. Project impacts to sensitive plant species shall be mitigated through implementation of Mitigation Measure 3-2, which requires the development and implementation of a Sensitive Plant Species Mitigation Plan. See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-2.

A7-5 As discussed in Section 5.3, *Biological Resources*, of the Draft EIR (page 5.3-14), a focused trapping program for San Bernardino kangaroo rat (*Dipodomys merriami parvus* [SBKR]) and protocol surveys for California gnatcatcher (*Polioptila californica californica* [CAGN]) and burrowing owl (*Athene cunicularia*) were previously conducted in spring 2012. The protocol surveys for California gnatcatcher and burrowing owl were negative for these species. No San Bernardino kangaroo rat, Los Angeles pocket mouse, or San Diego woodrat were captured during the focused trapping program in the spring of 2012. However, northwestern San Diego pocket mouse was captured within the project site.

2. Response to Comments

The northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*) is a California Species of Special Concern.

The City retained Jericho Systems, Incorporated to conduct focused CAGN and SBKR surveys during the 2017 spring season, as an update to the 2012 focused surveys conducted by Cadre Environmental for these species. The 2017 CAGN and SBKR surveys were conducted by permitted biologists in accordance with adopted U.S. Fish and Wildlife Service survey protocols. The surveys for CAGN were conducted within approximately 40-acres of suitable sage scrub habitat within the project site. The SBKR trapping survey was conducted in areas of suitable habitat across the project site. The trapping effort included a total of 175, 12-inch Sherman live traps that were set along seven trap-lines consisting of 25 traps each, and spaced approximately 10 meters apart. The results of the 2017 CAGN and SBKR protocol surveys were negative for these species and the EIR has been updated to reflect this information (see Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Section 5.3 of the DEIR). The 2017 focused survey reports for CAGN and SBKR have also been included as Appendices A1 and A2 of this FEIR. The reports include a description of the survey methodology, as well as maps of suitable CAGN habitat where protocol surveys were conducted and the location of each SBKR trap line.

The northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), a California Species of Special Concern, was trapped during both the 2012 and 2017 SBKR protocol surveys. As addressed on page 5.3-25 of the Draft EIR, impacts to individuals of this species would be considered adverse, but would not appreciably affect the overall species population, given the amount of suitable habitat in the vicinity of project site. Additionally, the onsite mitigation parcel includes approximately 25 acres of potential suitable habitat for northwestern San Diego pocket mouse. No additional avoidance, minimization, or mitigation measures are required in the EIR to address these species and no new sensitive species were observed that would require analysis.

The focused burrowing owl surveys conducted onsite in 2012 were negative for the species. Additionally, no burrowing owls were detected within the Oak Glen Creek/Wilson II Basins project immediately east of the project site during focused surveys in 2005. Further, no burrowing owls or burrowing owl sign were observed during the general biological survey conducted onsite in 2015 by Ruth Villalobos Associates and the focused CAGN and SBKR surveys conducted in 2017. The City proposes to avoid the potential for direct take of burrowing owl through implementation of Mitigation Measure 3-1, which requires a pre-construction survey within 30-days of ground disturbance and the preparation of a CDFW and USFWS approved burrowing owl mitigation plan, including compensatory mitigation for nesting and foraging habitat, if the species is observed onsite. See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-1.

2. Response to Comments

- A7-6 See response to Comment A7-5 and see Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-1.
- A7-7 See response to Comment A7-5 and see Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-1.
- A7-8 The City understands that activities that will divert or obstruct the natural flow, change the bed, channel or bank (including associated riparian resources), or results in any impacts to state jurisdictional waters regulated by the Department would require written notification under Section 1602 of the Fish and Game Code. Project impacts to riparian resources under the jurisdiction of the Department are discussed under Impact 5.3-3 of the Draft EIR (Section 5.3, *Biological Resources*, page 5.3-27). As set forth in Mitigation Measure 3-6, the applicant will be responsible for obtaining a 1602 Streambed Alteration Agreement from the CDFW prior to project grading or construction and implementing all conditions contained within the 1602 Streambed Alteration Agreement. At a minimum, the requirements set forth under Mitigation Measures 3-6 and 3-7, which includes compensation for permanent impacts to State waters and preparation and implementation of a mitigation and monitoring plan, shall be completed. In order to facilitate early consultation, the applicant submitted a notification for a 1602 Streambed Alteration Agreement to the CDFW in October 2016. A site visit was conducted with CDFW staff in March 2017 and the jurisdictional delineation report was updated in July 2017 to reflect CDFW comments and requests received during the field meeting.
- A7-9 The definition of CDFW's jurisdictional authority has been clarified at the request of the commenter. See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for the changes to Section 5.3, *Biological Resources*.
- A7-10 The City retained Dudek in 2017 to conduct a re-delineation of state and federal jurisdictional waters within the approximately 100-acre portion of the project site east of 2nd Street. The delineation conducted by Dudek was intended to update the delineation conducted by VCS Environmental in 2011 (updated in 2014) to address the issues raised by CDFW staff during a meeting on the project site in March 2017 (see Appendix A4 of this FEIR). The delineation conducted by VCS Environmental concluded that the proposed project would result in impacts to 6.98 acres of State streambeds. The results of the jurisdictional delineation update conducted by Dudek indicate that the acreage of impacts to State streambed associated with the project is 8.13 acres, which represents an increase of 1.15 acres of impacts to State streambeds. The increase in impacts to State streambeds is due to the revised mapping prepared by Dudek, which extended the top of bank boundary in the upstream reaches of Wilson Creek and Oak Glen Creek, as requested by CDFW and through use of bank/riparian vegetation indicators.

2. Response to Comments

The City proposes to mitigate temporary and permanent impacts to state and federal jurisdictional waters through implementation of Mitigation Measure 3-6, which requires the implementation of habitat creation, restoration, enhancement, and/or preservation and long-term management within the proposed project site, El Dorado Ranch Park, Oak Glen Creek Flood Corridor Area, or other off-site location approved by the CDFW. No additional or revised mitigation measures are required. See Appendix A4 for the updated jurisdictional delineation prepared by Dudek.

- A7-11 The focused burrowing owl surveys conducted onsite in 2012 were negative for the species. No burrowing owls were detected within the Oak Glen Creek/Wilson II Basins project immediately east of the project site during focused surveys in 2005. Additionally, no burrowing owls or burrowing owl sign were observed during the general biological survey conducted onsite in 2015 by Ruth Villalobos Associates and the focused CAGN and SBKR surveys conducted in 2017. The City proposes to avoid the potential for direct take of burrowing owl through implementation of Mitigation Measure 3-1, which requires a pre-construction survey prior ground disturbance and the preparation of a CDFW and USFWS approved burrowing owl mitigation plan, including compensatory mitigation for nesting and foraging habitat, if the species is observed onsite.

In response to this comment, Mitigation Measure 3-1 has been modified to include additional detail on the requirements of the burrowing owl mitigation plan, including a relocation plan and compensatory mitigation within the onsite mitigation parcel or other appropriate offsite location to be approved by the CDFW. As detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, and reproduced below, Mitigation Measure 3-1 has been revised to the following:

- 3-1 **Burrowing Owl 1430-Day ~~Take Avoidance~~ Preconstruction Surveys.** A ~~1430~~-day burrowing owl preconstruction ~~take-avoidance~~ survey shall be conducted prior to the initiation of ground-disturbing ~~activities~~ construction to ensure protection for this species and compliance with the conservation goals outlined by the California Department of Fish and Wildlife (CDFW). The survey shall be conducted in compliance with CDFW 2012 guidelines. A report of the findings prepared by a qualified biologist shall be submitted to CDFW and the City of Yucaipa prior to initiation ground disturbing activities. If burrowing owls are not detected during the clearance survey, no additional mitigation is required.

If burrowing owls are detected onsite during the ~~take-avoidance~~ preconstruction survey ~~effort~~, a burrowing owl relocation and mitigation plan which includes project specific avoidance and minimization measures shall be developed based on the CDFW 2012 guidelines and approved by CDFW and USFWS prior to grading or construction. ~~CDFW and USFWS requirements.~~ The plan shall include the following:

2. Response to Comments

1. Avoidance and minimization measures, including the following, at minimum:
 - a. Non-Disturbance Buffer. Fencing or flagging shall be installed at a 250-foot radius from the occupied burrow to create a buffer area where no work activities may be conducted. The non-disturbance buffer and fence line may be reduced to 160 feet if all project-related activities that might disturb burrowing owls would be conducted during the nonbreeding season (i.e., conducted September 1 through January 31).
 - b. Monitoring. If construction activities occur within 500 feet of the occupied burrow during the nesting season (February 1 to August 31), a qualified biologist shall monitor to determine whether these activities have the potential to adversely affect nesting efforts, and shall implement measures to minimize or avoid such disturbance.
2. A relocation plan if construction activities occur during the non-breeding season (occupied burrows may not be disturbed during the nesting season (February 1 to August 31) to avoid take under the Migratory Bird Treaty Act and California Fish and Game Code). The plan would:
 - a. Include detailed methods and guidance for passive relocation of burrowing owls.
 - b. Describe monitoring and management of the replacement burrow site(s) and provide a reporting plan. The objective shall be to manage the sites for the benefit of burrowing owls, with the specific goals of maintaining the functionality of the burrows for a minimum of 2 years and minimizing weed cover.
 - c. Ensure that a minimum of two suitable, unoccupied burrows are available off site for every burrowing owl or pair of burrowing owls to be passively relocated.
3. Compensatory mitigation of habitat, within the onsite mitigation parcel or appropriate offsite mitigation site, if occupied burrows or territories occur within the permanent impact footprint. Ratios typically include a minimum of 19.5 acres per nesting burrow lost; however, habitat compensation ratios and location will be approved by CDFW and detailed in the burrowing owl relocation and mitigation plan.

A7-12 Per the request of the commenter, the City has revised Mitigation Measure 3-1 to include compensatory mitigation for impacts to burrowing owl foraging and/or nesting habitat, if burrowing owl is observed during the 30-day preconstruction survey, as detailed above under response to comment A7-11. The revised measure includes specific acreage to compensate for potential impacts within the onsite mitigation parcel or an

2. Response to Comments

appropriate offsite mitigation site (subject to CDFW and USFWS approval). Burrowing owl has not been observed onsite or on adjacent properties in the biological studies that have been conducted since 2012, therefore, the City does not concur that a compensatory mitigation strategy should be required prior to issuance of a grading permit. However, the revised Mitigation Measure 3-1 does require preparation and CDFW/USFWS approval of the relocation and mitigation plan prior to grading and construction, if burrowing owl is observed during the 30-day preconstruction survey. See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-1.

A7-13 The City acknowledges the commenter's summary of the CEQA Guidelines and the court cases presented. The biological studies conducted on the project site for sensitive plants and wildlife species have been negative since they were initiated in 2005, with the exception of Parry's spineflower (*Chorizanthe parryi* var. *parryi*), a southern California endemic plant that is a California Rare Plant Rank 1B.1. In order to ensure that the most current project site baseline conditions were analyzed, the focused surveys for special status plants, California gnatcatcher, and the San Bernardino kangaroo rat were updated during the appropriate spring 2017 timeframes. Additionally, the jurisdictional delineation mapping was evaluated in July 2017 through a field delineation by Dudek, with a focus on the areas of onsite waters of the State identified by CDFW during the March 2017 site visit as requiring reassessment. All feasible mitigation measures intended to avoid, minimize, and mitigate for temporary and permanent project impacts to special status plant and wildlife species and state and federal jurisdictional waters have been incorporated in the FEIR.

A7-14 As discussed above, under response to comment A7-2, the focused botanical surveys were conducted in 2011/2012 by Cadre Environmental and updated in 2017 by Dudek to ensure that the environmental baseline was current. The 2011/2012 botanical surveys resulted in the detection of one special status plant species: Parry's spineflower (*Chorizanthe parryi* var. *parryi*), with a total population of 6,663 individuals (0.94 acre). During the 2017 botanical surveys, Dudek mapped a total of approximately 4,590 individuals (0.26 acre) of Parry's spineflower that had not previously been recorded during the 2011/2012 botanical surveys. Therefore, the total onsite population of Parry's spineflower is approximately 11,253 individuals (1.20 acres).

The impact analysis provided in Table 5.3-3 (page 5.3-3 of the Draft EIR) is based upon the 2011/2012 botanical survey and states that the proposed project would result in permanent impacts to 0.7 acre of habitat supporting the spineflower, with preservation of 0.24 acre of habitat supporting the spineflower. Based upon the results of the 2017 botanical survey, the project would result in permanent impacts to 8,080 spineflower individuals (0.89 acre) and preservation of 3,173 individuals (0.31 acre). The impact analysis table (Table 5.3-3) in the DEIR has been updated to include the results of the 2017 botanical survey (see Section 3.2, *DEIR Revisions in Response to Written Comments*).

2. Response to Comments

The 0.31-acre of Parry's spineflower habitat that would not be impacted by the project is located within the proposed preservation area in the western portion of the project site.

A7-15 As described on page 5.3-13 of the Draft EIR, Parry's spineflower (*Chorizanthe parryi* var. *parryi*) is an annual herb in the Polygonaceae family. The species blooms from April to June, and its habitats range in elevation from 900 to 4,000 meters above mean sea level. Parry's spineflower occupies sandy soils, often on alluvial fans, in chaparral, cismontane woodland, grassland, and coastal scrub in Los Angeles, Riverside, and San Bernardino counties. Based upon the results of the 2017 botanical surveys, implementation of the proposed project would result in the loss of 8,080 (0.89 acre) of Parry's spineflower plants. However, the proposed 25-acre mitigation parcel on the project site is suitable for Parry's spineflower since it currently supports 3,173 individuals (0.31 acre), which would be avoided. The mitigation parcel would be conserved in perpetuity through the recordation of a conservation easement in favor of the Inland Empire Resource Conservation District, or other resource agency approved entity.

The City has also modified Mitigation Measure 3-2 to include the results of the 2017 botanical surveys and to provide additional details regarding the mitigation implementation timing, proposed onsite mitigation area and long-term protection mechanisms. As detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, and reproduced below, Mitigation Measure 3-2 has been revised to the following:

3-2 **Sensitive Plant Species Mitigation Plan.** Prior to grading or construction, the City of Yucaipa shall develop a Sensitive Plant Species Mitigation Plan to mitigate for the loss of 8,080 (0.89 acre) 0.70-acre of Parry's spineflower plants through on-site preservation of habitat supporting 3,173 Parry's spineflower individuals (0.31 acre) within the 25-acre onsite mitigation area, introduction of Parry's spineflower within the onsite mitigation parcel, off-site acquisition of habitat, enhancement, creation, and/or dedication of habitat, payment of fees into a mitigation bank, or other appropriate measures to address the functions and values being impacted.

The plan will be prepared by a qualified restoration ecologist with experience developing mitigation plans for special-status plant species. The mitigation strategy will be developed in consultation with the Rancho Santa Ana Botanic Gardens or another qualified entity that has experience with the species. This mitigation plan is will to be prepared by a qualified restoration biologist and provide, at a minimum, the following information: (1) design modifications or minimization measures that are consistent with the project's purpose; (2) appropriate protection measures for any adjoining conserved land within the project site; (1) collection/salvage measures for seed and topsoil, to retain the seed bank and maximize success likelihood; (2) details regarding the transfer

2. Response to Comments

~~and/or temporary storage of seed and topsoil; (3) a suitable site location to function as the recipient site; (4) detailed site preparation and introduction techniques; (5) schedule for salvage and seeding; (6) a description of supplemental irrigation, if used; (7) success criteria; and (8) a detailed monitoring program, commensurate with the plan's goals. (3) an evaluation of salvage, transplantation, restoration, enhancement, or other appropriate mitigation techniques to determine the most appropriate mitigation measures to offset impacts; and (4) monitoring and adaptive management measures for the mitigated plant species. The onsite mitigation parcel/s shall be protected with a deed restriction or conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and California Department of Fish and Wildlife. The mitigation parcel/s. The mitigation site shall be monitored and maintained by a qualified biologist for five years or until the plants have become fully established and can survive without supplemental irrigation goals of the mitigation plan have been met.~~

~~The goal of the Sensitive Plant Species Mitigation Plan will be to compensate for the impacts to 0.70 acre through off-site acquisition of habitat, on-site preservation, enhancement, creation, and/or dedication of habitat, payment of fees into a mitigation bank, or other appropriate measures to address the functions and values being impacted.~~

A7-16 As discussed in response to comment A7-15 above, the Parry's spineflower occupied habitat that will be avoided by the proposed project is located within the 25-acre onsite mitigation parcel. Based upon the results of the 2017 botanical survey, the onsite mitigation area supports 3,173 Parry's spineflower individuals (0.31 acre). The mitigation parcel which will be protected with a deed restriction or conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and California Department of Fish and Wildlife, required under the revised Mitigation Measure 3-2. See Section 3.2, *DEIR Revisions in Response to Written Comments*, of this FEIR for revisions to Mitigation Measure 3-2.

A7-17 Mitigation Measure 3-5 describes the measures that shall be implemented to mitigate for permanent impacts to 24.85 acres of onsite alluvial fan sage scrub (AFSS) and 0.34 acres of offsite AFSS (total of 25.19 acres of AFSS) discussed in Table 5.3-4, *Impacts to Vegetation Communities* of page 5.3-26 in the Draft EIR.

The City has modified Mitigation Measure 3-5 to provide additional details regarding the mitigation implementation timing, as requested by the commenter. As detailed in Section 3.2, *DEIR Revisions in Response to Written Comments*, and reproduced below, Mitigation Measure 3-5 has been revised to the following:

2. Response to Comments

- 3-5 **Sensitive Habitat Mitigation Plan.** Mitigation for impacts to alluvial fan sage scrub habitat within the project footprint shall be accounted for ~~with~~ through the on-site preservation, restoration, and/or enhancement and long-term management of an onsite mitigation parcel. Mitigation for impacts to alluvial sage scrub habitat will be implemented at a minimum 1:1 ratio or greater, as determined in consultation with the California Department of Fish and Wildlife (CDFW). The onsite mitigation parcel shall be protected with a conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and CDFW. Residual impacts that cannot be mitigated on-site shall be accomplished with off-site acquisition, preservation, rehabilitation, restoration, enhancement, and long-term management of alluvial fan sage scrub habitat at the Oak Glen Creek Flood Corridor Area upstream (east) of the project site between Bryant Street and Pendleton Road.

The City shall prepare a Sensitive Habitat Mitigation Plan for CDFW review and concurrence prior to grading or construction of the proposed project. The City shall be responsible for funding and implementing the plan. The goal of the Sensitive Habitat Mitigation Plan will be to compensate for the impacts to 25.19 acres of alluvial fan sage scrub through off-site acquisition of habitat; ~~on-site~~ preservation, enhancement, creation, and/or dedication of habitat at the onsite mitigation parcel; payment of fees into a mitigation bank; or other appropriate measures to address the functions and values being impacted.

The content of the Sensitive Habitat Mitigation Plan will address the responsibilities and qualifications of the personnel to implement and supervise the plan; incorporate pertinent site selection criteria; provide for the site preparation and planting implementation program if appropriate; provide a schedule for implementation, maintenance, and monitoring; detail maintenance plan and guidelines; detail the monitoring plan; and address long-term preservation.

A7-18 Comment noted.

2. Response to Comments

LETTER A8 – State Clearinghouse (2 pages)

| | | |
|--|---|---|
|  | <p>STATE OF CALIFORNIA Governor's Office of Planning and Research State Clearinghouse and Planning Unit</p> |  |
| <p>Edmund G. Brown Jr. Governor</p> | | <p>Ken Alex Director</p> |
| <p>January 18, 2017</p> | | |
| <p>Benjamin Matlock City of Yucaipa 34272 Yucaipa Boulevard Yucaipa, CA 92399</p> | | |
| <p>Subject: Oak Glen Creek Specific Plan SCH#: 2016051024</p> | | |
| <p>Dear Benjamin Matlock:</p> | | |
| <p>The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on January 17, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.</p> | | <p>A8-1</p> |
| <p>Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.</p> | | |
| <p>Sincerely, </p> | | |
| <p>Scott Morgan Director, State Clearinghouse</p> | | |
| <p>1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044 TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov</p> | | |

2. Response to Comments

| Document Details Report State Clearinghouse Data Base | | | | | |
|---|--|------------------------|------------|----------------------|------------|
| SCH# | 2016051024 | | | | |
| Project Title | Oak Glen Creek Specific Plan | | | | |
| Lead Agency | Yucaipa, City of | | | | |
| Type | EIR | Draft EIR | | | |
| Description | The Oak Glen Creek Specific Plan is a land use, policy, and regulatory document that would establish the development and design standards for the project area. As shown in the table, the Specific Plan would encompass three districts - Residential District, Innovation District, and Open Space District. The Residential District would be developed at a density of 4.2 dwelling units per acre with a min net lot size of 7,200 sf. The Innovation District would allow a variety of institutional, office, medical, and professional related uses. The Open Space District would consist of flood control improvements, including a detention basin and realignment of Wilson Creek to greatly reduce or eliminate downstream flooding and channel erosion and facilitate groundwater recharge. The improvements would remove the site from the floodplain to facilitate development. | | | | |
| Lead Agency Contact | | | | | |
| Name | Benjamin Matlock | | | | |
| Agency | City of Yucaipa | | | | |
| Phone | 909-790-9203 | Fax | | | |
| email | | | | | |
| Address | 34272 Yucaipa Boulevard | | | | |
| City | Yucaipa | State | CA | Zip | 92399 |
| Project Location | | | | | |
| County | San Bernardino | | | | |
| City | Yucaipa | | | | |
| Region | | | | | |
| Lat / Long | 34° 02' 42" N / -117° 02' 20" W | | | | |
| Cross Streets | 2nd St/Oak Glen Rd/Bryant St | | | | |
| Parcel No. | various | | | | |
| Township | 1S | Range | 2W | Section | 36 |
| | | | | Base | SB |
| Proximity to: | | | | | |
| Highways | | | | | |
| Airports | | | | | |
| Railways | | | | | |
| Waterways | Wilson Creek, Oak Glen Creek | | | | |
| Schools | Park View, Ridgeview | | | | |
| Land Use | Institutional; single family residential (RS-72C) | | | | |
| Project Issues | Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Supply; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues | | | | |
| Reviewing Agencies | Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Bd., Region 6 (Victorville); Native American Heritage Commission | | | | |
| Date Received | 12/02/2016 | Start of Review | 12/02/2016 | End of Review | 01/17/2017 |
| Note: Blanks in data fields result from insufficient information provided by lead agency. | | | | | |

2. Response to Comments

A8. Response to Comments from Scott Morgan, Director, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, dated January 18, 2017 and received January 23, 2017.

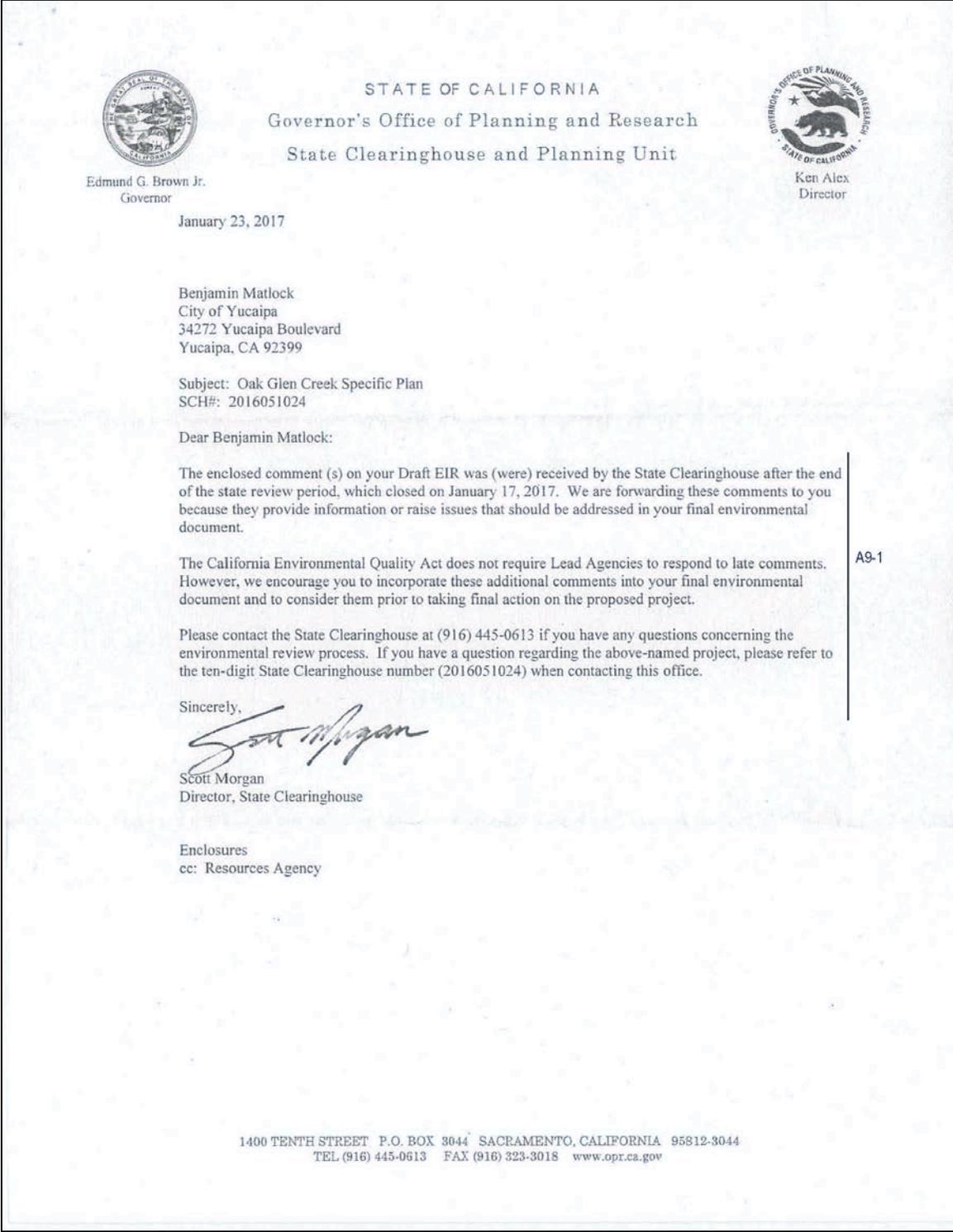
A8-1 The comment states that the City of Yucaipa has complied with State Clearinghouse requirements for public review of the DEIR for the proposed project. The comment also provides the project's report as shown in the State Clearinghouse database. No response is needed.

2. Response to Comments

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2. Response to Comments

LETTER A9 – State Clearinghouse (1 page)



2. Response to Comments

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2. Response to Comments

A9. Response to Comments from Scott Morgan, Director, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, dated January 23, 2017 and received January 26, 2017.

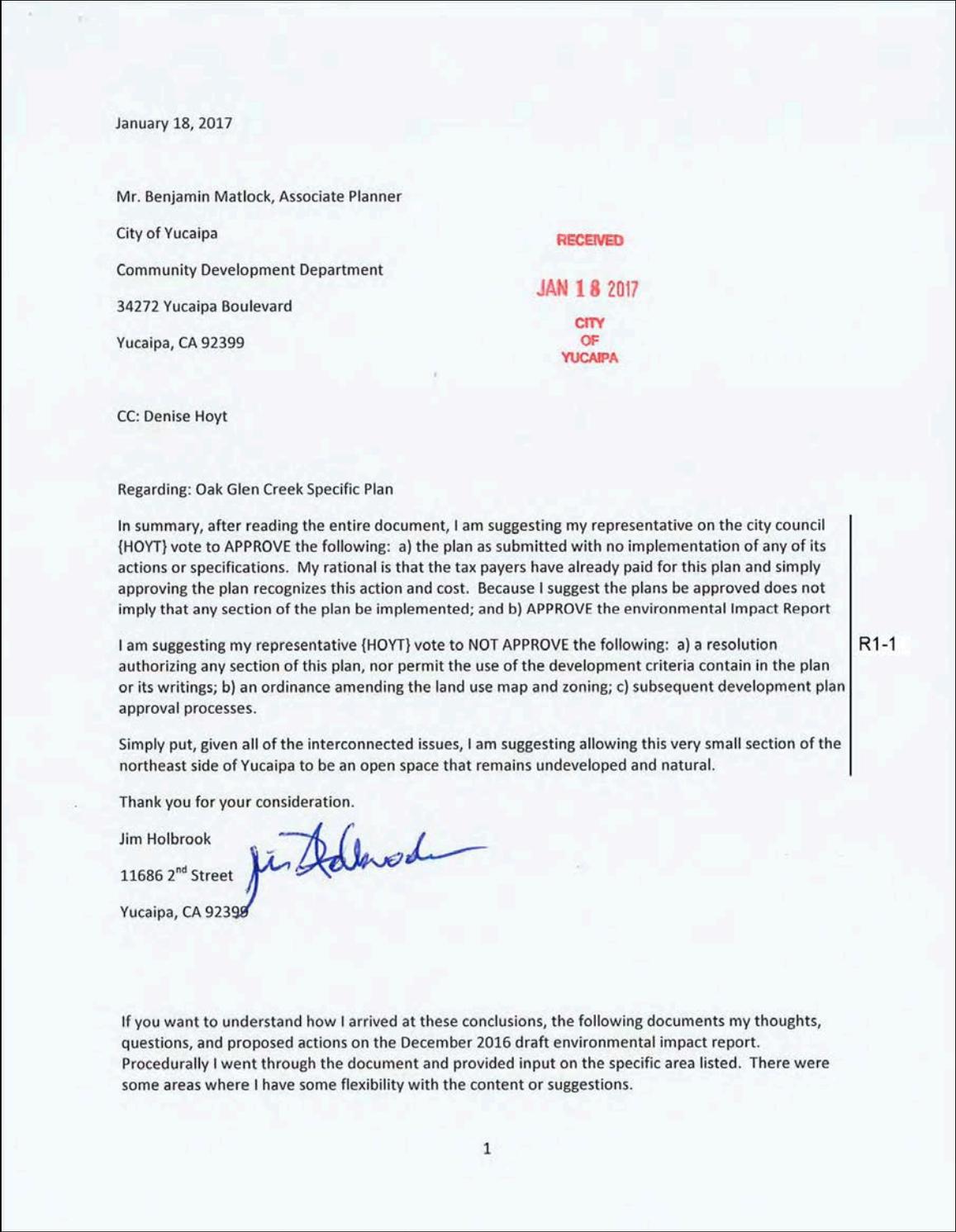
A9-1 The comment states that the State Clearinghouse has received a letter from the California Department of Fish and Wildlife (CDFW) after the close of the public review period. The CDFW comment letter and the response can be found under Comment Letter A7.

2. Response to Comments

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2. Response to Comments

LETTER R1 – Jim Holbrook (6 pages)



January 18, 2017

Mr. Benjamin Matlock, Associate Planner
City of Yucaipa
Community Development Department
34272 Yucaipa Boulevard
Yucaipa, CA 92399

RECEIVED
JAN 18 2017
CITY
OF
YUCAIPA

CC: Denise Hoyt

Regarding: Oak Glen Creek Specific Plan

In summary, after reading the entire document, I am suggesting my representative on the city council {HOYT} vote to APPROVE the following: a) the plan as submitted with no implementation of any of its actions or specifications. My rationale is that the tax payers have already paid for this plan and simply approving the plan recognizes this action and cost. Because I suggest the plans be approved does not imply that any section of the plan be implemented; and b) APPROVE the environmental Impact Report

I am suggesting my representative {HOYT} vote to NOT APPROVE the following: a) a resolution authorizing any section of this plan, nor permit the use of the development criteria contain in the plan or its writings; b) an ordinance amending the land use map and zoning; c) subsequent development plan approval processes.

Simply put, given all of the interconnected issues, I am suggesting allowing this very small section of the northeast side of Yucaipa to be an open space that remains undeveloped and natural.

Thank you for your consideration.

Jim Holbrook
11686 2nd Street
Yucaipa, CA 92399

If you want to understand how I arrived at these conclusions, the following documents my thoughts, questions, and proposed actions on the December 2016 draft environmental impact report. Procedurally I went through the document and provided input on the specific area listed. There were some areas where I have some flexibility with the content or suggestions.

R1-1

2. Response to Comments

I – EXECUTIVE SUMMARY

A. PROJECT SUMMARY:

I can support the intent to provide design and specific criteria for single family residence and open spaces. I do not support the "Innovation District" component of this plan. Further, I do not support the idea of giving future leaders some ability to develop these 6.7 acres without returning to the local residents for a formal input process. Adjacent to this project is sufficient undeveloped space which has already been designed for these uses.

R1-1
cont'd

I also understand the statement of regional flood control and drainage facilities, and while I support public safety through engineering controls and other official methods, it is my opinion that the minor steps listed with this project will do little to bring flood control. Rather this project will spend huge amounts of limited public funds. Specifically, the flood control areas east of this sight have been extensively engineered for water control methods (existing Wilson Creek Basins and Spreading grounds and Oak Glen Creek Flood Control Basins). Hence, if the engineering controls already in place actually work as intended, the water flow and velocity into these spaces will be limited.

R1-2

It is interesting that these east designs both slow the water as well as controls the flow in some possible flooding event, and then what I find as the opposite is the water control methods west of this sight. Those engineered controls are concrete drainage structures that increase the speed of the water as it flows west and south. Thus this "principle purpose is to control storm waters" seem to show an example of a paradox where the city, through its prior actions, has both slowed and increased the speed of flood waters. Spending limited public dollars to connect two minor creeks into a concrete drainage structure seems counter intuitive.

Ownership Pattern

I do not support converting public lands into an option for private developers.

Purpose of Specific Plan

I understand the option for developing future uses. Therefore you have my limited support only for residential properties for this space. Other uses of these lands deserve refinement.

Project Design Modifications

It would appear from the summary statements and writing that local residents do not want a Business Park or other "Innovation District" uses in this area. It would seem counter-productive to continue to spend personnel and other precious resources on this topic.

R1-3

The Oak Glen Creek Specific Plan

Allow all of this land to stay in its current natural state and allow passive recreational uses with minimal disruption to the environment.

Finally the idea of moving the City Maintenance yards a few thousand feet to the east, in my opinion, is simple mismanagement of public funds.

2. Response to Comments

| | |
|---|------------------------|
| <p>B. LAND USE DISTRICTS AND ROADWAY</p> | <p>R1-3 cont'd</p> |
| <p>I can support the residential district north of Oak Glen Creek, and I do not support the Innovation District in any area.</p> | |
| <p><u>Residential District</u></p> | <p>R1-4</p> |
| <p>No issues.</p> | |
| <p><u>Innovation District</u></p> | |
| <p>This section continues to add problems and features that are inconsistent with the area. To allow “up to four stories” buildings in this space is inappropriate.</p> | <p>R1-5</p> |
| <p>Further, the writing has non-descript language that complicates any decisions making. “Professional related” is so broad to realize what is intended, and “cohesive manner with compatible” are nice words but do little to help the reader in deterministic decision making process.</p> | |
| <p>This entire section should be removed from this document as well as any general planning document.</p> | |
| <p><u>Open Space Land Use Area</u></p> | <p>R1-6</p> |
| <p>The writing uses possibility thinking with the phrase “100 year flood plain” without providing clear evidence what this means in terms of water rather than some single percent possibility. How much water is expected to be controlled? Any scientific reference would be helpful. Probability thinking would show the engineering controls east of this area would remove the significance from this rare “event” and simply realigning Wilson Creek and using a single basin would do little in this catastrophic event. Continuing the same probability thought process further, all of this water release by this “100 year event” would be funneled into a concrete channel (west) which would increase the speed and velocity which the water would flow southwestern.</p> | |
| <p>C. PURPOSE AND INTENT</p> | |
| <p>I understand the intent to create structure and appreciate the role of elected officials in this process. By my writing I also understand my role in the governmental process. I do not support the approval of a resolution of the “Oak Glen Creek Specific Plan” as written.</p> | <p>R1-6</p> |
| <p>D. SPECIFIC PLAN FORMAT</p> | |
| <p>No comment as this section is a narrative and I will / or have addressed each of these concerns or statement in other comments.</p> | |
| <p>E. GENERAL PLAN CONSISTENCY</p> | <p>R1-6</p> |
| <p>I do not support the amendment of the General Plan (Denise Hoyt) . The Oak Glen Creek Specific Plan in this form should not be referenced in the general plan. In my opinion, the city should no longer spend valuable public resources on this idea.</p> | |
| <p>F. RELATIONSHIP TO OTHER REGULATIONS</p> | |
| <p>3</p> | |

2. Response to Comments

| | |
|---|----------------|
| No comment | |
| G. DISCRETIONARY ACTIONS AND APPROVALS | |
| It is my position that the Planning Commission should vote to NOT adopt the Specific Plan. | |
| It is my position that my representative on the City Council vote to NOT adopt the recommendations nor adopt any resolution authorizing any sections of this document. | R1-6 cont'd |
| II INTRODUCTION | |
| A. PROJECT LOCATION AND OVERVIEW | |
| Same as previous comments | |
| B. PROJECT DESCRIPTION | |
| 1. Project-wide design features | |
| "Oak Glen Creek . . . but will be improved to provide a more efficient trapezoidal channel design and retention basin . . .". It is unclear how removing all of the natural vegetation and spending significant public funds to create a shape that already exists at the west end of this proposed area would improve anything. Plants have always naturally slowed water and stabilized the soil surfaces. Removing these natural processes would leave this area similar to those control methods east of this proposal. What has happened as a result of the engineering controls is scraped surfaces which have allowed non-native plant species to grow. As with all large projects there is a cost benefit ratio that needs to be considered. It is my opinion that benefits do not outweigh the natural or financial costs. | R1-7 |
| 2. Land Uses | |
| I support only the single family residential use. | R1-8 |
| (A) The innovation District is inappropriate. The authors further expand ideas inconsistent with this area. The allowance of 45 foot and multistory businesses is inconsistent with this area. | |
| (B) It is unclear how this small section represents a vital link in the city's flood control process. The authors use vague ideas without science to convey their view. What is interesting is . . ."a detention basin and a meandering stream" already exist. Further, the natural resources (existing plants) would slow any water in this basin. Also any slowing of water in this area would only be increased in speed and velocity by the concrete channel west. All of this water will empty into the accelerator. The cost of modifying Oak Glen Creek and Wilson Creek only to connect two dissimilar controls makes little sense to me. | R1-9 |
| No comments on b) 3, 4, 5. | |
| Map on II-11 shows how they will convince the water to follow their rules. | |
| (C) PROJECT GOALS AND OBJECTIVES | |
| 1. It is unclear how this is substantiated by science. How will this project be better than what exists. How will this lessen the downstream flooding to any significant level. Just walking the area | R1-10 |

2. Response to Comments

would give you an idea that a few boulders here and there, a simple culvert, and some gravel would do as much for a few dollars as the significant cost of fully engineering this space. It simply begs the question, is all of this done to get the unfunded public money, hundreds of houses and taxes under the disguise of water / storm safety.

- 2. Properly integrate. The cost of this man-made integration seems very high. How does this project current void the negative impact of what exists?
- 3. Leaving the area alone would be more attractive than creating the scraped earth process visible just east of this proposal.

R1-10
cont'd

The objectives imply a bias. There are some objectives that are the antithesis of my position. "contribute significant property tax revenue" how many years would it take to recapture the costs associated with the project? "Provide for a transition of ownership from public agencies and private owners to private business entities and institutional users". This is an assault of individual process to corporate and private business opportunities.

III – PROJECT SETTING

A. REGIONAL SETTING.

The author makes interesting statements "Notable natural and manmade features"... then proceeds to mention only those manmade structures of streets. I guess the natural feature is the basic plant life, and "unimproved portions" that this project would erase.

Existing General Plan and Zoning

Simply defines irregularities in zoning. I suggest the zoning be left unchanged and match those of surrounding areas.

2. Regional and Area Circulation

Describes the location and streets. The (2nd street) is an interesting problem as there is a 2nd street at the north of the project and south of the project.

Figure III-1 Aerial photograph is a great shot how small the impact will be on water.

IV. SPECIFIC PLAN

1. Residential District

No comments general writing

2. Innovation District

I do not support the intent of this section.

The third paragraph on IV-2 "The allowable building square feet identified for this land use area is provided for discussion purposes only and may vary upon approval of final development plans." I have

R1-11

2. Response to Comments

no interest in continuing to modify and hinge issues on possible future issues. There should be some resolution to these discussions.

3. Land use descriptions

"Improvements within these areas shall be restricted to those necessary for flood control....." Later on the author allows "fishing ponds" I am unclear how these would be maintained, not become a source for vector borne problems, and not waste or divert water for these purposes. It seems that every thought was simply thrown into the document. Words are somehow depth. TONE THIS DOWN.

Improvements /Design Features

Drainage cannel – these already use natural and soft bottom cannel. They are simply not maintained/ All this adds is the concrete lined facilities, which only increases the speed of the flow.

Detention / Retention Facilities

"The type of improvements necessary will vary depending upon the final design selected". I am not interested in giving approval to a design or expense that gives some "body" some "authority" at some "time".

Landscaping

"Natural vegetation is to be installed" this already exists. Why remove these hardy specimens only to re-install new and fragile plants. This is continuing to spend money when focused planning and orientation were from the origination.

No additional comments. The remainder is implementation and various sequencing.

Good opportunity to review city planning sequence.

R1-11
cont'd

2. Response to Comments

R1. Response to Comments from Jim Holbrook, dated January 18, 2017.

- R1-1 These comments are general support and opposition to portions of the proposed project and does not specifically reference any section of the DEIR or allege any inadequacy in the DEIR's analysis. Therefore, no further response is required. However, the comment notes disagreement with the proposed project and therefore requests that it not be implemented. The Commenter's comments regarding the project components have been forwarded to the decision-makers for their review and consideration.
- R1-2 Generally, these comments are not related to the adequacy of the DEIR analysis, and thus, no further response is required. The proposed realignment of Wilson Creek and channelization of Oak Glen Creek into a retention basin would increase stormwater attenuation and flood control capability, increase groundwater recharge, and improve downstream water quality (see Section 5.8, *Hydrology and Water Quality*). The project site, being the confluence of Oak Glen Creek and Wilson Creek, was selected as an ideal location for a regional detention basin as detailed in the original Master Plan of Drainage approved by City Council in 1993, and updated in 2009 and 2012. As such, the project would implement the City's Master Plan of Drainage, which recommends various flood control improvements throughout the City to provide better control of flood events, particularly those that constitute 100- and 500-year floods events. The project design and engineering has been developed to permit the water quality benefits noted above, and will work in conjunction with previously developed infrastructure improvements within the City, including the Oak Glen Creek Basins referenced in the comment. The Commenter's comments have also been forwarded to the decision-makers for their review and consideration.
- R1-3 These comments are general opposition to the innovation district and conversion of vacant land and suggested changes to portions of the proposed project and does not specifically reference any section of the DEIR or allege any inadequacy in the DEIR's analysis. No additional response is required. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.
- R1-4 The commenter is concerned about the proposed Innovation District's allowed maximum building height of 45 feet (approximately four stories) being inconsistent with surrounding properties. Potential aesthetic impacts of the project are described in Section 5.1, *Aesthetics*, in the DEIR. The current land use designation onsite is Institutional and allows a maximum building height of 75 feet. Therefore, the proposed Specific Plan would reduce the maximum building height. Additionally, the neighboring properties to the north are designated Single Residential (RS-72C) and to the northwest are designated Neighborhood Commercial (CN) which both have maximum building heights of 35 feet. Thus, the proposed development standards in the Specific Plan would bring future developments within the project site to a more compatible building height with neighboring uses. Further, development of the proposed project would be

2. Response to Comments

regulated by the City of Yucaipa's Development Code and the proposed Oak Glen Creek Specific Plan Development Standards and Design Guidelines. The proposed development standards and design guidelines would regulate all new development in the project area to ensure it is constructed and designed in a way that preserves the aesthetic character and value of the surrounding uses and aesthetically enhances and integrates with the existing visual character of the project area. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.

The commenter suggests the permitted uses in the Innovation District are broad and non-descript. The Oak Glen Creek Specific Plan details the permitted uses in the Innovation District, including: medical and hospital related uses; professional and administrative service uses, such as consultants, banking and financial services, insurance services; limited types of research and development services, excluding product testing; educational related uses, such as satellite campus uses, trade schools, and public schools; government facilities, including but not limited to maintenance facilities, corporate yards, and offices; and limited educational facilities, such as habitat demonstrations and learning centers.

Lastly, the comment suggests completely removing the Innovation District from the Specific Plan. This comment is not related to the adequacy of the DEIR analysis. No further response is required. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.

R1-5 The comments do not focus on the adequacy of the DEIR in identifying and analyzing potential environmental impacts of the proposed project. No further response is required. Section 5.8, *Hydrology and Water Quality*, defines the 100-year flood zone pursuant to the definitions of the Federal Emergency Management Agency (FEMA). A 100-year flood zone means there is a one percent chance of a flood every year. There is currently downstream flooding along Wilson Creek. Realigning Wilson Creek and implementing a retention basin would increase stormwater retention capability, increase groundwater recharge, and reduce stormwater flow downstream. Further, the project would implement the City's Master Plan of Drainage. The project-level engineering and design would alleviate the downstream flooding and provide a more efficient and cohesive flood infrastructure system for the City, as originally considered by the City's Master Plan of Drainage.

R1-6 See response to Comment R1-1 above. It should be noted that this project does not consist of a General Plan Amendment; the General Plan currently contemplates the development of the Oak Glen Creek Specific Plan, which is the mechanism to permit the flood control project, and to provide compatible land uses from the excess areas resulting from the flood control improvements. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.

2. Response to Comments

- R1-7 See response to Comments R1-2 and R1-5 above. The project consists of the proposed realignment of Wilson Creek and channelization of Oak Glen Creek into a retention basin, which would increase stormwater retention capability, increase groundwater recharge, and improve downstream water quality. The flood control improvements proposed provides a basin design that would adequately capture stormwater flows. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.
- R1-8 See response to Comment R1-4 above. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.
- R1-9 See response to Comments R1-2 and R1-5 above and Section 5.8, *Hydrology and Water Quality*, in the DEIR. Realigning Wilson Creek and implementing a retention basin would increase stormwater retention capability, increase groundwater recharge, and reduce stormwater flow downstream. Further, the project would implement the City's Master Plan of Drainage, which recommends various flood control improvements in the City to provide better control of flood events.
- The City prepared detailed studies for the hydrology and hydraulics of the Wilson Creek watershed, including the identification of flow carrying capacity deficiencies within the creek system. Results of hydrologic/hydraulic studies indicated that the combination of existing and proposed basins on these creeks in combination with downstream channel improvements would result in significant reduction of flood flows, the capture of large quantities of sediment, and the reduction of flood risk in the community. Information regarding this information is provided in the DEIR section noted above and in Appendix G of the DEIR.
- R1-10 These comments are related to the project objectives. The comments do not focus on the adequacy of the DEIR in identifying and analyzing potential environmental impacts of the proposed project; and therefore, no further response is required. The DEIR includes technical studies that support the findings of the DEIR and provide substantial evidence on the potential effects of the project (e.g., see Appendix G, *Hydrology and Water Quality Study*, in the DEIR). No significant unavoidable impacts were identified. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.
- R1-11 See response to Comment R1-1 above. The comments do not focus on the adequacy of the DEIR in identifying and analyzing potential environmental impacts of the proposed project; and therefore, no further response is required. The Commenter's comments have been forwarded to the decision-makers for their review and consideration.

2. Response to Comments

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3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors. This section also includes revisions to mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR.

None of the revisions to the DEIR require recirculation of the document. Recirculation is only required when significant new information is added. Information 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 or a feasible way to mitigate or avoid such an effect. Recirculation is not required where the new information merely clarifies, amplifies, or makes insignificant modifications (CEQA Guidelines § 15088.5). None of the changes adds any new significant information and recirculation is not required.

Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR or other minor technical corrections.

Page 3-9, Chapter 3, *Project Description*. The following minor technical correction has been made to the EIR to reflect the recent name change of the Mousley Museum.

The project site is surrounded by a mix of land uses, including single-family residential, commercial, and open space (see Figure 3-3, *Aerial Photograph*). Located within a developing area, the site adjoins single-family residences to the south and west, including the Chapman Heights Planned Development, which is to the west; the Yucaipa Community Center, Wildwood Calvary Chapel and Wildwood Christian Academy (grades K-5), a mobile home park, and open space to the north; a California Department of Forestry and Fire Protection station to the east; and the Mousley Museum of ~~Natural~~Yucaipa History to the southeast. The Oak Glen Creek flood control basins and Wilson Creek recharge basins are diagonally adjacent to the project site to the northeast, across Oak Glen Road and Bryant Street.

3. Revisions to the Draft EIR

Page 3-9, Chapter 3, *Project Description*. The following minor technical correction has been made to the EIR.

The proposed project is a Specific Plan. The reason for using a Specific Plan for the project site is to restrict the types of land uses permitted on the property, ensuring greater compatibility with surrounding residential uses. The Oak Glen Creek Specific Plan provides a road map for the City of Yucaipa and future users to follow, detailing the land uses, improvement requirements, design details, and development review criteria that development proposals must comply with prior to operating. Although a Specific Plan graphically displays or delineates some of the criteria that must be met, it does not contain the level of detail normally associated with a site plan or subdivision application. Subsequent development approvals would be necessary from the City's Planning Commission and, if necessary/~~or~~ City Council prior to requesting building permits for construction.

Page 3-11, Chapter 3, *Project Description*. The following minor technical correction has been made to Table 3-2, *Oak Glen Creek Specific Plan Development Standards*, the EIR based on revisions to the Specific Plan.

Table 3-2 Oak Glen Creek Specific Plan Development Standards

| | Innovation District | Residential District ¹ | Open Space District |
|---------------------------------|--|--|---------------------|
| Lot Characteristics | | | |
| Lot Size/Area | N/A | 7,200 SF minimum lot size | N/A |
| Maximum Building Coverage | N/A; however, a 20,000-SF maximum building area has been established | 40% | |
| Minimum Lot Frontage | Based upon approved site plan | NA | |
| Minimum Lot Depth | Based upon approved site plan | 100 feet | |
| Minimum Lot Width | Based upon approved site plan | 60 feet | |
| Building Design Criteria | | | |
| Minimum Street Setback | 15 feet (Bryant Street and Eucalyptus Avenue) | 15 feet (local street) 25 feet (collector street) | N/A |
| Minimum Yard Setback | 10 feet (interior yard) | 25 feet (front yard) 5 and 10 feet (side yard) 20 feet (rear yard) | |
| Maximum Building Height | 45 feet | 35 feet | |
| Minimum Building Separation | 20 feet, with adjoining 2-story structures 30 feet, with adjoining 2- or 3-story structures | NA | |
| Building Encroachments | 2 feet | NA | |
| Parking Requirements | | | |
| Parking Spaces | Based on final land use type per Yucaipa Development Code Section 87.0615 | 2 parking spaces per unit | NA |

3. Revisions to the Draft EIR

Table 3-2 Oak Glen Creek Specific Plan Development Standards

| | Innovation District | Residential District ¹ | Open Space District |
|---|---|---|---------------------|
| Additional Items | | | |
| Open Space and Recreational Features | Designed as part of permitted buildings | Multiuse trails, benches, low-level outdoor lighting | |
| Site Landscaping | 15% of development area | The amount of landscaping is predicated upon the <u>project design of the open space area</u> | |
| Landscaping Adjoining Street Right-of-Way or Adjacent to Oak Glen Creek | Oak Glen Road: Consistent with General Plan | | |
| Note: SF = square feet | | | |
| ¹ The requirements of the City's RS-72C (Single Residential, 7,200 sq. ft. minimum lot size) shall apply to development in the Residential District. | | | |

Page 3-17, Chapter 3, *Project Description*. The following minor technical correction has been made to the EIR based on revisions to the Specific Plan.

Open Space District

The Open Space District covers approximately 57.6 acres and represents an important link in the City's flood control system. Upstream and downstream facilities collect and convey stormwater flows through the City. Thus, the Open Space District would link with and expand the existing system by ensuring adequate channel capacity for stormwater flows. Also, it would increase the system's retention and percolation capabilities with a single detention basin and a meandering stream. Development would be limited to what is necessary for flood control, drainage, stormwater retention/detention, and open space and recreational uses. No buildings for human occupancy would be allowed, except those related to recreation and/or resource conservation, such as restrooms, and providing an area for general public information on water and biological resources. Such buildings are envisioned for the eastern side of the Open Space District.

Page 3-18, Chapter 3, *Project Description*. The following minor technical correction has been made to clarify the project description.

Design Standards

The Open Space District would include design features for drainage channels, detention/retention facilities, recreational and open space uses, landscaping, multiuse trails, and open space recreational areas.

- **Drainage Channels:** Flood control and drainage facilities would use natural and improved designs, such as graded and soft-bottom/walled channels, as well as concrete-lined facilities.
- **Detention/Retention Facilities:** The detention or retention of stormwater would use a single-basin design. The type of improvements necessary will vary depending upon the final design selected, but the final design would include features to ensure that the aesthetics of the basin are compatible with the adjacent area, and may include a permanent lake feature as part of the basin that is complimented with landscaping. To reduce the potential adverse visual effect of proposed buildings on existing residents

3. Revisions to the Draft EIR

south of Oak Glen Creek, trees are to be provided along both sides of the multiuse trail where the Residential District and Open Space District meet.

- **Open Space/Recreational Areas:** The eastern portion of the Open Space District within Oak Glen Creek could include either a designed/improved low-flow stream channel for groundwater recharge as an aesthetic design feature or a natural trapezoidal channel to convey stormwater flows. Portions of the area surrounding the proposed detention basin would be revegetated to provide a natural open space area and habitat restoration adjacent to the detention basin and would include multipurpose trails. Resting areas with benches and tables are also planned.

Page 3-18, Chapter 3, *Project Description*. The following minor technical correction has been made to the EIR based on revisions to the Specific Plan.

- **2nd Street:** Based on neighborhood input and comments received during the NOP public review, the circulation pattern around the Residential District was modified to provide a connection with Oak Glen Road at Sunnyside Drive. South of Oak Glen Road, 2nd Street is planned as a Collector Street with a 66-foot right-of-way for the portion north of Eucalyptus Avenue, as a Local Street with a 60-foot right-of-way for the portion south of Eucalyptus Avenue, and approximately one quarter mile, and would then transition to a 20-foot wide concrete access road. ~~Local Street with a 60-foot right-of-way.~~ The segment of 2nd Street would provide a fully improved roadway section with paving, curb, gutter, and sidewalk on both sides of the street.

Page 3-20, Chapter 3, *Project Description*. The following minor technical correction has been made to the EIR based on revisions to the Specific Plan.

Scenic highway landscaping measures incorporated into the Specific Plan include:

- ~~■ Using automatic irrigation systems with moisture sensors installed to ensure plant material survives.~~
- ~~■ Providing root barriers when trees are planted five feet or closer to any hardscape element (e.g., curbs, sidewalks, other paving) or structure. The distance shall be measured from the center of the tree trunk to the nearest hardscape or structure.~~
- ~~Avoiding flowering trees and fruit bearing trees on pedestrian parkways and Americans with Disabilities Act (ADA) walkways to maintain clear passageways.~~
- Undergrounding of utilities.
- Use of landscape materials suitable for the local climate, including those included on the plant material list style for Oak Glen Road.

3. Revisions to the Draft EIR

- Appropriate street lighting, street furniture, and signage.
- Consistent walkway design.

Landscaped buffering would also be provided along 2nd Street to minimize light and noise emanating from vehicles entering and exiting the adjacent subdivision. ~~This buffering may incorporate a raised landscape berm and block wall. Various landscape exhibits provide conceptual designs for these areas, as displayed in Figures V-1 and V-2 in the Specific Plan. A landscaping plant palette is also provided in Appendix A of the Specific Plan.~~

Page 3-20, Chapter 3, *Project Description*. The following minor technical correction has been made to the EIR based on revisions to the Specific Plan.

Landscaping in the Innovation District would provide an attractive streetscape, accentuate building design, and shade parking lots. Landscaping materials and design features along perimeter streets and the northern side of the basin are intended to provide visual relief for surrounding residents. Landscaping in the Innovation District would be primarily oriented toward the internal portions of the project site. Specific design guidelines include:

- A landscape strip would be planted directly adjacent to the building edge to create a buffer and help to prevent graffiti.
- Groundcover would be installed in landscaped areas to provide a finishing treatment as well as erosion and weed control.
- Mulch, bark, and stone/rock cover may be used ~~would not be used~~ as an alternative to groundcover if provided in conjunction with a drought tolerant landscape design concept.
- Turf would only be used when it serves a specific function. Turf areas would be minimized to conserve water.
- Landscaping elements in the front yard setback are required to incorporate drought-tolerant materials.
- Trash enclosures are required to comply with City standards and be screened with landscaping.

3. Revisions to the Draft EIR

Page 3-21, Chapter 3, *Project Description*. The following minor technical correction has been made to clarify the project description.

3.2.1.2 DRAINAGE PLAN

One of the purposes of the Oak Glen Creek Specific Plan is to design appropriate flood control facilities to control stormwater flows from Wilson and Oak Glen creeks and capture their stormwater runoff in a designated detention area(s). The improvements would reduce sedimentation and downstream flooding along Wilson Creek, and would serve to provide protection for private and commercial properties, roadways and other public infrastructure to reduce property loss and personal loss in future flooding events. In addition, the proposed basin design would serve as a large scale best management practice feature, and has been designed to improve the water quality downstream from the project site. In the Residential District, stormwater flows would be conveyed along public interior roadways to catch basins that ultimately flow into Oak Glen Creek. Specific Plan development would incorporate several types of water quality–related best management practices to meet mandated water quality standards.

Page 3-24, Chapter 3, *Project Description*. The following minor technical correction has been made to Table 3-3, *Oak Glen Creek Specific Plan Required Approvals*, the EIR since these approvals are processed by the Yucaipa Planning Commission.

Table 3-3 Oak Glen Creek Specific Plan Required Approvals

| Lead Agency | Action(s) |
|---|--|
| City of Yucaipa City Council | <ul style="list-style-type: none"> ● Certification of the Environmental Impact Report ● Adoption of a Mitigation Monitoring and Reporting Program ● Adoption of Findings of Fact (and Statement of Overrides, if required) ● Adoption of the Oak Glen Creek Specific Plan ● Approval of final grading plan, drainage plans, water quality management plans, stormwater pollution prevention plans, building permits, improvement plans, and landscape plans/irrigation plans for future development activities |
| Responsible Agencies | Action(s) |
| San Bernardino Flood Control District | <ul style="list-style-type: none"> ● Approval of basin design <u>and flood control permit</u> |
| Federal Emergency Management Agency | <ul style="list-style-type: none"> ● Approval of required Letter of Map Revision |
| U.S. Army Corps of Engineers | <ul style="list-style-type: none"> ● Approval of required Regulatory Permit |
| Santa Ana Regional Water Quality Control Board | <ul style="list-style-type: none"> ● Issuance of a National Pollution Discharge Elimination System Permit for future construction activities |
| California Department of Fish and Wildlife | <ul style="list-style-type: none"> ● Approval of required Regulatory Permit |
| California Department of Forestry and Fire Protection | <ul style="list-style-type: none"> ● Approval of water mains and fire hydrants fire flows |

3. Revisions to the Draft EIR

Page 5.1-14, Section 5.1, *Aesthetics*. The following minor technical correction has been made to the EIR based on revisions to the Specific Plan.

- Scenic Highway landscaping measures would include the use of
 - ~~Automatic irrigation systems with moisture sensors installed to ensure plant material survives.~~
 - ~~Provide root barriers when trees are planted five feet or closer to any hardscape element (e.g., curbs, sidewalks, other paving, etc.) or structure. The distance shall be measured from the center of the tree trunk to the nearest hardscape or structure.~~
 - ~~Flowering trees and fruit-bearing trees shall be avoided on pedestrian parkways and ADA path of travel areas to maintain clear passageways.~~
 - Undergrounding of utilities.
 - Use of landscape materials suitable for the local climate, including those included on the plant material list style for Oak Glen Road.
 - Appropriate street lighting, street furniture, and signage.
 - Consistent walkway design.

Page 5.1-14, Section 5.1, *Aesthetics*. The following minor technical correction has been made to the EIR based on revisions to the Specific Plan.

Innovation District

- Landscaping within the Innovation District will be primarily oriented towards the internal portions of the project site.
- A landscape strip shall be planted adjacent to the building edge. The landscape strip shall be directly adjacent to the building edge to create a buffer and help to prevent graffiti.
- Groundcover shall be installed in landscaped areas to provide a finishing treatment, as well as provide erosion and weed control.
- Mulch, bark, and stone/rock cover may be used ~~would not be used~~ as an alternative to groundcover if provided in conjunction with a drought tolerant landscape design concept.
- Turf shall be used only when it serves a specific function. Turf areas shall be minimized to conserve water.

3. Revisions to the Draft EIR

- Landscaping elements in the front yard setback shall incorporate drought tolerant materials.
- Trash enclosures shall comply with City standards and screened with landscaping.

Page 5.3-1, Section 5.3, *Biological Resources*. Revisions to Section 5.3, *Biological Resources*, in response to Comment Letter A7 from Leslie MacNair, Regional Manager, California Department of Fish and Wildlife, Inland Deserts Region are provided below.

See Appendix B of this FEIR for changes made to Section 5.3, *Biological Resources*.

Page 5.4-5, Section 5.4, *Cultural Resources*. The following text is revised in response to Comment A4-12, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

Ethnographic Setting

Ethnographically, Yucaipa appears to have been inhabited by the Mountain Serrano even though it is within the boundaries of traditional Cahuilla territory. Natives identified Yucaipa as Serrano but San Timoteo Canyon (due south) as Cahuilla and the name “Yucaipa” is a form of the Serrano word, “Yucaipat.” The Mountain Serrano inhabited the San Bernardino Mountains from Cajon Pass eastward but also the valleys immediately adjacent to the mountains, both north and south, with poorly defined boundaries. The Cahuilla territory was bordered by the San Bernardino Mountains to the north, Borrego Springs and the Chocolate Mountains to the south, the Colorado Desert to the east, and the San Jacinto Plain near Riverside to the west. Given the territory’s close proximity to the Cocopa-Maricopa Trail that linked the Colorado Desert with the Pacific Coast, interactions with surrounding tribes were extensive.

Page 5.4-10, Section 5.4, *Cultural Resources*. The following text is revised in response to Comment A4-13, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

The remaining portion of the project site to be developed has areas that could not be effectively surveyed due to dense vegetation cover. Further, the project site may have undiscovered tribal cultural resources that are listed or eligible for listing in the CRHR or local register of historical resources. Procedures related to the potential discovery of these resources are detailed in Section 5.15, *Tribal Cultural Resources*, and require the future developer/owner to establish protocols and stipulations in consultation with the project archaeologist, City, and interested tribe(s). Therefore, development of the project site could impact undisturbed historical resources and impacts would be potentially significant.

3. Revisions to the Draft EIR

Page 5.4-11, Section 5.4, *Cultural Resources*. The following text is revised in response to Comment A4-13, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

Impact Analysis: No prehistoric sites are known within the project site. However, given the presence of two nearby, ephemeral water sources (Oak Glen and Wilson Creeks) and the prehistory of the area, there is a possibility that the project area may contain significant subsurface archaeological resources. Section 5.15, *Tribal Cultural Resources*, details procedures related to the potential discovery of these resources and require the future developer/owner to establish protocols and stipulations in consultation with the project archaeologist, City, and interested tribe(s). As detailed in Impact 5.4-1 above, four historic resources and two historic-period residences were observed and formally recorded in the project area. The project area is also considered to have moderate sensitivity for additional historical archaeological resources. Therefore, there remains a possibility that the development of the project site through grading and excavation activities could impact previously undisturbed archaeological resources. Thus, impacts to archaeological resources are potentially significant.

Page 5.4-11 and 5.4-12, Section 5.4, *Cultural Resources*. The following text is revised in response to Comment A4-14, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Compliance with existing law would ensure that impacts to human remains would remain less than significant. To ensure compliance with these existing regulations for tribal cultural resources, Mitigation Measure 15-4 in Section 5.15, *Tribal Cultural Resources*, also details the appropriate protocol in the event human remains are discovered at the project site during grading or earthmoving activities.

Page 5.4-13, Section 5.4, *Cultural Resources*. The following text is revised in response to Comment A4-17, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

Without mitigation, the following impacts would be **potentially significant**:

3. Revisions to the Draft EIR

- **Impact 5.4-2** Archaeological resources would potentially be ~~impacted/disturbed~~ during site clearance, grading, and any other earth disturbing activity on the project site.

Page 5.4-13, Section 5.4, *Cultural Resources*. The following text is revised in response to Comments A4-2 and A4-18, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

4-1 Prior to any earth-disturbing activities, including brushing, mowing, grading, addition of soils, and any other construction or preparation for construction activities and prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depth, the future developer of the project site shall provide letters to the City of Yucaipa from a qualified archaeologist and paleontologist who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the developer has retained these individuals, and that the consultant(s) will be on call during all grading and other significant ground-disturbing activities.

In the event archaeological or paleontological resources are discovered during ground-disturbing activities, including brush clearance, grading, and other such activities, a professional archeological or paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources within 50 feet of the discovery until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological or paleontological monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA). If archaeological or paleontological resources are recovered, they shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the San Bernardino County Museum or the University of California, Riverside, or any other local museum or repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.

If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the developer or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.).

3. Revisions to the Draft EIR

Page 5.8-2, Section 5.8, *Hydrology and Water Quality*. The following text has been revised in response to Comment A6-1, from Michael Perry, Supervising Planner, San Bernardino County Department of Public Works.

The general MS4 permit requires that new development or significant redevelopment projects use BMPs, including site design planning, source control, and treatment techniques, to protect the quality of receiving waters. These requirements are detailed in the San Bernardino County Model Water Quality Management Plan (WQMP) and supplemental technical guidance document, revised ~~May 2012~~ June 2013, which the City of Yucaipa has incorporated into its project approval processes. Within the Specific Plan area, any new development project (i.e., adding 10,000 or more square feet of impervious surface) or significant redevelopment project (i.e., adding 5,000 or more square feet of impervious surface) is required to prepare a WQMP that specifies the BMPs and low impact development measures to minimize the effects of the project on regional hydrology, runoff flow rates and/or velocities, and pollutant loads. An operations and maintenance plan must be included in the WQMP and must designate terms, conditions, and requirements for maintaining the BMPs in perpetuity.

Page 5.15-6, Section 5.15, *Tribal Cultural Resources*. The following text is revised in response to Comment A4-23, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

Ethnographic Setting

Ethnographically, Yucaipa appears to have been inhabited by the Mountain Serrano even though it is within the boundaries of traditional Cahuilla territory. Archaeological research in the area indicates that natives identified Yucaipa as being occupied by the Mountain Serrano. Natives identified Yucaipa as Serrano but San Timoteo Canyon (due south) as Cahuilla and the name “Yucaipa” is a form of the Serrano word, “Yucaipat.” Cahuilla territory lies within the geographic center of Southern California and the Cocopa-Maricopa Trail, a major prehistoric trade route that linked the Colorado Desert with the Pacific Coast. Given the territory’s close proximity to the Cocopa-Maricopa Trail, interactions with surrounding tribes were extensive.

Page 5.15-7, Section 5.15, *Tribal Cultural Resources*. The following text is revised in response to Comment A4-24, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians. Upon receipt of the letter from the San Manuel Band of Mission Indians (SMBMI) for the DEIR, on December 15, 2016 requesting consultation, the City of Yucaipa staff consulted with Joan Schneider from the San Manuel on December 19, 2016 to discuss the Tribe’s concerns about the Specific Plan and the DEIR

In accordance with AB 52 and SB 18 requirements, the City sent invitation letters to representatives of the Native American contacts provided by the NAHC on July 8, 2016, formally inviting tribes to consult with the City on the Oak Glen Creek Specific Plan. The intent of the consultations is to provide an opportunity for interested Native American contacts to work together with the City during the project planning process to

3. Revisions to the Draft EIR

identify and protect tribal cultural resources. Response letters were received from the Colorado River Indian Tribes, Soboba Band of Luiseño Indians, Morongo Band of Mission Indians, and Twenty-Nine Palms Band of Mission Indians (see Appendix D4). No response was received from the San Manuel Band of Mission Indians prior to the circulation of the DEIR.

San Manuel Band of Mission Indian sent a response letter to the City on December 15, 2016. The City of Yucaipa staff consulted with Joan Schneider from the San Manuel on December 19, 2016 to discuss the Tribe's concerns about the Specific Plan and the DEIR. The tribe requested recognition of the Serrano in the DEIR in the ethnography section. The consultation concluded with the tribe requesting mitigation related to archaeological monitoring, treatment, and disposition of cultural resources that has been included in Section 5.15.7, *Mitigation*.

Page 5.15-9, Section 5.15, *Tribal Cultural Resources*. The following text has been revised in response to Comment A4-26, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

Therefore, there remains a possibility that the development of the project site through brush clearing, grading and excavation activities could impact previously undisturbed archaeological resources. Thus, impacts to tribal cultural resources are potentially significant.

Page 5.15-9, Section 5.15, *Tribal Cultural Resources*. The following text has been revised in response to Comments A4-27 through A4-28, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

Each future project considered for approval by the City of Yucaipa would be required to have that project's impacts to site-specific tribal cultural resources evaluated as part of CEQA review for the project. Where significant impacts to tribal cultural resources are identified, projects would be required to either avoid impacts or implement feasible mitigation measures to reduce impacts. Projects that would involve substantial amounts of ground disturbance could also damage tribal cultural resources, as well as non-discovered surface features and artifacts, that may be buried in soils. Mitigation measures for reducing tribal cultural resources impacts of such projects would include monitoring by qualified archaeologists and/or Native American tribes and recovery, documentation, identification, and curation of any potentially significant resources discovered. Consequently, impacts to tribal cultural resources would not be cumulatively considerable.

3. Revisions to the Draft EIR

Page 5.15-9, Section 5.15, *Tribal Cultural Resources*. The following text has been revised in response to Comments A4-29, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

- **Impact 5.15-1** Tribal cultural resources could be adversely affected by ground disturbing activities including, but not limited to, grading, brush clearing, and trenching impacted by grading activities associated with the proposed project.

Page 5.15-11, Section 5.15, *Tribal Cultural Resources*. The following Mitigation Measure has been revised in response to Comments A4-31 through A4-33, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

15-2 **Archaeological Monitoring.** At least 30-days prior to application for a grading permit and before any brush clearance, grading, excavation and/or ground disturbing activities on the site take place, the future developer shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

1. The project archaeologist, in consultation with interested tribes, the developer and the City of Yucaipa, shall develop an Archaeological Monitoring Plan (AMP) to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the AMP shall include:
 - a. Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.)-grading and development scheduling;
 - b. The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists (if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the Native American Heritage Commission shall designate the schedule for the onsite Native American Tribal Monitor for the proposed project);
 - c. The protocols and stipulations that the developer, City, Tribes and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation

3. Revisions to the Draft EIR

Pursuant to the AMP, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and/or Soboba Band of Luiseño Indians) shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities.

Page 5.15-11, Section 5.15, *Tribal Cultural Resources*. The following Mitigation Measure has been revised in response to Comments A4-34 through A4-35, from Lee Clauss, Director, Cultural Resources Management Department, San Manuel Band of Mission Indians.

15-3 **Treatment and Disposition of Cultural Resources.** In the event that Native American cultural resources are inadvertently discovered during the course of any ground disturbing activities, including but not limited to brush clearance, grading, trenching, etc. grading for the proposed project, the following procedures will be carried out for treatment and disposition of the discoveries:

1. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
2. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Yucaipa with evidence of same:
 - a. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing, basic analysis, and other analyses as recommended by the project archaeologist and approved by consulting tribes ~~and basic recordation~~ have been completed; all documentation should be at a level of standard professional practice to allow the writing of a report of professional quality;
 - b. A curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Bernardino County, to be accompanied by payment of the fees necessary for permanent curation:

3. Revisions to the Draft EIR

- c. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the San Bernardino County Museum by default;
- d. At the completion of grading, excavation and ground disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City, County Museum, and consulting tribes.

Page 5.15-13, Section 5.15, *Tribal Cultural Resources*. The following Mitigation Measure is added in response to Comment A3-2, from Victoria Harvey, Archaeological Monitoring Coordinator, Tribal Historic Preservation Office, Agua Caliente Band of Cahuilla Indians.

15-5 During construction activities, the project applicant shall allow archaeological monitors of Native American tribes to access the project site on a volunteer basis to monitor grading and excavation activities.

Page 5.15-13, Section 5.15, *Tribal Cultural Resources*. The following minor technical revision has been made to incorporate the new Mitigation Measure 15-5.

Impact 5.15-1

Mitigation Measures 4-1 and 15-1 to 15-45 would reduce potential impacts associated with tribal cultural resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts relating to tribal cultural resources have been identified.

3. Revisions to the Draft EIR

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3. Revisions to the Draft EIR

Page 1-40 through 1-44, Chapter 1, *Executive Summary*. The impact statements for Impact 5.4-2 and 5.15-1, and Mitigation Measures 3-1, 3-2, 3-5, 4-1, 15-2, 15-3, and 15-5 in Table ES-2, *Summary of Environmental Impacts, Mitigation Measures, and Level of Significance After Mitigation*, have been revised in response to Comments from the Agua Caliente Band of Cahuilla Indians, San Manuel Band of Mission Indians, the Soboba Band of Luiseño Indians, and the California Department of Fish and Wildlife.

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|---|---|--|--|
| 5.3 BIOLOGICAL RESOURCES | | | |
| Impact 5.3-1: Development in accordance with the Specific Plan would involve substantial habitat modification that would adversely impact various sensitive and special-status species. | Potentially Significant | <p>3-1 Burrowing Owl 4430-Day Take Avoidance <u>Preconstruction Surveys</u>. A 4430-day burrowing owl take avoidance survey shall be conducted prior to the initiation of ground-disturbing activities construction to ensure protection for this species and compliance with the conservation goals outlined by the California Department of Fish and Wildlife (CDFW). The survey shall be conducted in compliance with CDFW 2012 guidelines. A report of the findings prepared by a qualified biologist shall be submitted to CDFW and the City of Yucaipa prior to initiation ground disturbing activities. If burrowing owls are not detected during the clearance survey, no additional mitigation is required.</p> <p>If burrowing owls are detected onsite during the take avoidance <u>preconstruction</u> survey effort, a burrowing owl <u>relocation and mitigation</u> plan which includes project specific avoidance and minimization measures shall be developed based on <u>the CDFW 2012 guidelines and approved by CDFW and USFWS prior to grading or construction. CDFW and USFWS requirements</u>. The plan shall include the following:</p> <ol style="list-style-type: none"> 1. <u>Avoidance and minimization measures, including the following, at minimum:</u> <ol style="list-style-type: none"> a. <u>Non-Disturbance Buffer</u>. Fencing or flagging shall be installed at a 250-foot radius from the occupied burrow to create a buffer area where no work activities may be conducted. The non-disturbance buffer and fence line may be reduced to 160 feet if all project-related activities that might disturb burrowing owls would be conducted during the nonbreeding season (i.e., | Project and Cumulative Impacts are Less than significant |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|--|--|
| | | <p><u>conducted September 1 through January 31).</u></p> <p><u>b. Monitoring. If construction activities occur within 500 feet of the occupied burrow during the nesting season (February 1 to August 31), a qualified biologist shall monitor to determine whether these activities have the potential to adversely affect nesting efforts, and shall implement measures to minimize or avoid such disturbance.</u></p> <p><u>2. A relocation plan if construction activities occur during the non-breeding season (occupied burrows may not be disturbed during the nesting season (February 1 to August 31) to avoid take under the Migratory Bird Treaty Act and California Fish and Game Code). The plan would:</u></p> <p><u>a. Include detailed methods and guidance for passive relocation of burrowing owls.</u></p> <p><u>b. Describe monitoring and management of the replacement burrow site(s) and provide a reporting plan. The objective shall be to manage the sites for the benefit of burrowing owls, with the specific goals of maintaining the functionality of the burrows for a minimum of 2 years and minimizing weed cover.</u></p> <p><u>c. Ensure that a minimum of two suitable, unoccupied burrows are available off site for every burrowing owl or pair of burrowing owls to be passively relocated.</u></p> <p><u>3. Compensatory mitigation of habitat, within the onsite mitigation parcel or appropriate offsite mitigation site, if occupied burrows or territories occur within the permanent impact footprint. Ratios typically include a minimum of 19.5 acres per nesting burrow lost; however, habitat compensation ratios and location will be approved by CDFW and detailed in the burrowing owl relocation and mitigation plan.</u></p> <p>3-2 Sensitive Plant Species Mitigation Plan. <u>Prior to grading or construction,</u> the City of Yucaipa shall develop a Sensitive Plant Species Mitigation Plan to mitigate for the loss of <u>8,080 (0.89 acre) 0.70-acre</u> of Parry's spineflower</p> | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|---|--|
| | | <p>plants through on-site preservation of habitat supporting 3,173 Parry's spineflower individuals (0.31 acre) within the 25-acre onsite mitigation area, introduction of Parry's spineflower within the onsite mitigation parcel, off-site acquisition of habitat, enhancement, creation, and/or dedication of habitat, payment of fees into a mitigation bank, or other appropriate measures to address the functions and values being impacted.</p> <p>The plan will be prepared by a qualified restoration ecologist with experience developing mitigation plans for special-status plant species. The mitigation strategy will be developed in consultation with the Rancho Santa Ana Botanic Gardens or another qualified entity that has experience with the species. This mitigation plan is will to be prepared by a qualified restoration biologist and provide, at a minimum, the following information: (1) design modifications or minimization measures that are consistent with the project's purpose; (2) appropriate protection measures for any adjoining conserved land within the project site; (1) collection/salvage measures for seed and topsoil, to retain the seed bank and maximize success likelihood; (2) details regarding the transfer and/or temporary storage of seed and topsoil; (3) a suitable site location to function as the recipient site; (4)detailed site preparation and introduction techniques; (5) schedule for salvage and seeding; (6) a description of supplemental irrigation, if used; (7) success criteria; and (8) a detailed monitoring program, commensurate with the plan's goals. (3) an evaluation of salvage, transplantation, restoration, enhancement, or other appropriate mitigation techniques to determine the most appropriate mitigation measures to offset impacts; and (4) monitoring and adaptive management measures for the mitigated plant species. <u>The onsite mitigation parcel/s shall be protected with a deed restriction or conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and California Department of Fish and Wildlife. The mitigation</u></p> | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|--|--|
| | | <p>parcel/s. The mitigation site shall be monitored and maintained by a qualified biologist for five years or until the plants have become fully established and can survive without supplemental irrigation goals of the mitigation plan have been met.</p> <p>The goal of the Sensitive Plant Species Mitigation Plan will be to compensate for the impacts to 0.70 acre through off site acquisition of habitat, on site preservation, enhancement, creation, and/or dedication of habitat, payment of fees into a mitigation bank, or other appropriate measures to address the functions and values being impacted.</p> <p>3-3 Federal Migratory Bird Treaty Act. Mitigation for potential direct/indirect impacts to common and sensitive passerine and raptor species will require compliance with the federal Migratory Bird Treaty Act (MBTA). Construction outside the nesting season (between September 1 and January 31) does not require pre-removal nesting bird surveys. If construction is proposed between February 1 and August 31, a qualified biologist must conduct a nesting bird survey(s) no more than 14 days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the project site. Note that any nest permanently vacated for the season would not warrant protection pursuant to the MBTA.</p> <p>The survey(s) will focus on identifying any raptors and/or passerines nests that are directly or indirectly affected by construction activities. If active nests are documented, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest shall be postponed until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present or that the young have fledged shall be submitted to the CDFW and City of Yucaipa prior to initiation of grading in</p> | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|--|--|
| | | <p>the nest-setback zone. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur.</p> <p>3-4 Noise Reduction. If a) nesting birds are found onsite during pre-construction surveys and b) construction related impacts occur between January 31 and September 15, an acoustical consultant shall evaluate the construction equipment/phases and estimate noise levels anticipated during clearing, grubbing and grading activities. The acoustical consultant shall identify appropriate measures for reducing construction noise levels to below 60 dB(A) hourly Equivalent Continuous Noise Level or prevent any increases in the ambient noise levels at nesting location if existing noise levels are 60 dB(A) hourly or greater. Noise reduction measures may include operational adjustments, including:</p> <ul style="list-style-type: none"> ▪ Stationary construction noise sources such as generators or pumps should be located at least 100 feet from sensitive land uses, as feasible. ▪ Construction staging areas should be located as far from noise sensitive land uses as feasible. ▪ During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices. ▪ Idling equipment shall be turned off when not in use. ▪ Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging. <p>If noise reduction measures are required, bi-weekly monitoring of the nesting species shall be conducted by the qualified biologist to observe if the birds are being affected by construction activities. The acoustical consultant shall confirm through noise measurements that the noise reduction measures are effective at preventing noise levels in excess of 60 dB(A) hourly or an increase in ambient noise levels. Noise reduction measures are not required from September 16 through January 31.</p> | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
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| <p>Impact 5.3-2: Buildout in accordance with the Oak Glen Creek Specific Plan would impact approximately 90 acres of sensitive vegetation communities, including alluvial fan sage scrub, sycamore riparian woodland, and southern cottonwood riparian woodland.</p> | <p>Potentially Significant</p> | <p>3-5 Sensitive Habitat Mitigation Plan. Mitigation for impacts to alluvial fan sage scrub habitat within the project footprint shall be accounted for with <u>through the on-site preservation, restoration and/or enhancement and long-term management of an onsite mitigation parcel.</u> Mitigation for impacts to alluvial sage scrub habitat will be implemented on-site at a minimum 1:1 ratio or greater, as determined in consultation with the California Department of Fish and Wildlife (CDFW). <u>The onsite mitigation parcel shall be protected with a conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and CDFW.</u> Residual impacts that cannot be mitigated on-site shall be accomplished with off-site acquisition, preservation, rehabilitation, restoration, enhancement and long-term management of alluvial fan sage scrub habitat at the Oak Glen Creek Flood Corridor Area upstream (east) of the project site between Bryant Street and Pendleton Road.</p> <p>The City shall prepare a Sensitive Habitat Mitigation Plan for CDFW review and concurrence <u>prior to grading or construction of the proposed project.</u> The City shall be responsible for funding and implementing the Plan. The goal of the Sensitive Habitat Mitigation Plan will be to compensate for the impacts to 25.19 acres of alluvial fan sage scrub through off-site acquisition of habitat; on-site <u>on-site</u> preservation, enhancement, creation, and/or dedication of habitat <u>at the onsite mitigation parcel;</u> payment of fees into a mitigation bank; or other appropriate measures to address the functions and values being impacted.</p> <p>The content of the Sensitive Habitat Mitigation Plan will address the responsibilities and qualifications of the personnel to implement and supervise the plan; incorporate pertinent site selection criteria; provide for the site preparation and planting implementation program if appropriate; provide a schedule for implementation, maintenance and monitoring; detail maintenance plan and guidelines; detail the monitoring plan; and address long-term preservation.</p> | <p>Project and Cumulative Impacts are Less than significant</p> |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
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| <p>Impact 5.3-3: The proposed project would impact 8.84 acres of jurisdictional waters, including 1.86 acres of waters of the U.S. and 6.98 acres of waters of the State.</p> | <p>Potentially Significant</p> | <p>3-6 Jurisdictional Resources. Prior to issuance of a grading permit the applicant shall obtain a Section 404 permit authorization from the U.S. Army Corps of Engineers (Corps), a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). Impacts to Corps and CDFW resources would require mitigation through on-site habitat creation, restoration, enhancement, and/or preservation and long-term management within the constructed basin at a minimum 1:1 ratio in order for impacts to achieve no net loss of jurisdictional resources, as determined by a qualified restoration specialist in consultation with the regulatory agencies. The lake/emergent wetland is anticipated to be between 3.5 and 4 acres in size. If there are any residual impacts to streambeds and riparian habitat that cannot be mitigated on-site, these impacts shall be mitigated off-site at a minimum ratio of 1.5:1 at the City's El Dorado Ranch Park, Oak Glen Creek Flood Corridor Area, or other off-site location approved by the CDFW (e.g., mitigation banks or in lieu fee programs).</p> <p>Specific mitigation and the specific location of mitigation lands shall be determined in consultation with the appropriate regulatory agencies in accordance with the requirements of the federal CWA, federal wetland policies, and California Fish and Game Code.</p> <p>3-7 Habitat Mitigation Monitoring Plan. The City shall prepare a Habitat Mitigation Monitoring Plan (HMMP) for regulatory agencies review and concurrence. Impacts to U.S. Army Corps of Engineers (Corps) and California Department of Fish and Wildlife (CDFW) resources shall be mitigated on-site or within the same watershed, if feasible. The goal of the HMMP will be to re-create the functions and values of the habitat being affected. These mitigation requirements will be outlined in the HMMP prepared for this project, with monitoring requirements and specific criteria to measure the success of the restoration. Guidelines for the HMMP shall include but not be limited to:</p> | <p>Project and Cumulative Impacts are Less than significant</p> |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
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| | | <ul style="list-style-type: none"> ▪ The mitigation site(s) shall have been evaluated and selected on the basis of their suitability for use as riparian mitigation areas. ▪ The mitigation shall provide procedures to prepare soils in the mitigation area, provide detailed seeding/planting mixtures, provide seeding/planting methods, appropriate irrigation and other procedures that will be used for successful revegetation. ▪ Impacts to jurisdictional waters and wetlands shall be avoided to the extent feasible in the design phase of the project. ▪ Specific mitigation ratios and performance criteria shall be stated in the HMMP. ▪ Maintenance and monitoring requirements shall be established, including quarterly and annual monitoring reports to the Corps and CDFW. <p>The content of the HMMP will address the responsibilities and qualifications of the personnel to implement and supervise the plan; incorporate pertinent site selection criteria; provide for the site preparation and planting implementation program; provide a schedule for implementation; maintenance and monitoring; detail maintenance plan and guidelines; detail the monitoring plan; and address long term preservation.</p> <p>3-8 Urban Runoff. To reduce the potential for the indirect impacts from urban runoff, the project applicant shall implement the best management practices required by the National Pollutant Discharge Elimination System, administered by the Regional Water Quality Control Board.</p> <p>3-9 Storm Water Pollution Prevention Plan. The City shall ensure that 1) the work limits are staked, fenced, and/or marked, with materials clearly visible to construction personnel to prevent encroachment upon sensitive vegetation communities; 2) no construction access, parking, or storage of equipment or materials will be permitted outside of these marked areas; 3) access roads and work areas shall be periodically sprayed with water to reduce the potential for dust accumulation on the leaves of adjacent sensitive vegetation communities not proposed for impacts; and 4) erosion and sediment control BMPs (i.e., silt fences, straw wattles, sand bags, etc.) should be implemented</p> | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
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| | | and installed during the proposed project to comply with all measures proposed in the Storm Water Pollution Prevention Plan. | |
| Impact 5.3-4: Development in accordance with the Specific Plan would affect wildlife movement and potentially impede the use of wildlife corridors for migratory species. | Potentially Significant | <p>3-10 Wildlife Corridor Design and Urban Wildlands Interface Guidelines. The following mitigation measures will be incorporated into final project designs to ensure the maintenance of habitat connectivity and reduce indirect impacts to wildlife movement associated with the proposed project:</p> <ul style="list-style-type: none"> ▪ Wildlife movement routes through the project within both Wilson and Oak Glen Creeks will be maintained. ▪ No features will be used that would impede movement through the site by amphibians, reptiles, and small/large mammals. ▪ Realigned drainage features will have earthen bottoms, to the greatest extent feasible. ▪ Storm water treatment systems will be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant material, or other elements that could degrade or harm downstream biological or aquatic resources. ▪ Night lighting associated with the proposed development that is adjacent to the realigned movement routes would be directed away to reduce potential indirect impacts to wildlife species. ▪ The landscape plans for the development shall avoid the use of invasive species for the portions of the development areas adjacent to the movement routes. ▪ Onsite culvert design will be consistent with existing structures at the confluence of Wilson Creek/Oak Glen Road and Oak Glen Creek/Bryant Street. <p>3-11 Lighting Plan. Lighting plans shall ensure that (1) direct lighting is shielded from residential areas and other light sensitive receptors; (2) direct lighting is shielded to the specific location intended for illumination (e.g., roads, walkways, or recreation fields); (3) non-essential lighting and stray light spillover is minimized; (4) low intensity lamps are used except when high intensity illumination is required, such as for a recreational field; and (5) night</p> | Project and Cumulative Impacts are Less than significant |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
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| | | lighting shall not be used during the course of construction unless determined to be absolutely necessary. If night lighting is necessary, the lights shall be shielded to minimize temporary lighting of neighboring properties and realigned wildlife movement routes through the project site. | |
| 5.4 CULTURAL RESOURCES | | | |
| Impact 5.4-1: Development of the project site could impact undisturbed historical resources. | Potentially Significant | <p>4-1 Prior to any earth-disturbing activities, including brushing, mowing, grading, addition of soils, and any other construction or preparation for construction activities and prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depth, the future developer of the project site shall provide letters to the City of Yucaipa from a qualified archaeologist and paleontologist who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the developer has retained these individuals, and that the consultant(s) will be on call during all grading and other significant ground-disturbing activities.</p> <p>In the event archaeological or paleontological resources are discovered during ground-disturbing activities, <u>including brush clearance, grading, and other such activities,</u> a professional archeological or paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources <u>within 50 feet of the discovery</u> until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological or paleontological monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA). If archaeological or paleontological resources are recovered, they shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the San Bernardino County Museum or the University of California, Riverside, or any other local museum or repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.</p> | Project and Cumulative Impacts are Less than significant |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|--|---|--|--|
| | | If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the developer or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.). | |
| Impact 5.4-2: Archaeological resources would potentially be impacted disturbed during site <u>clearance, grading, and any other earth disturbing activity</u> on the project site. | Potentially Significant | Mitigation Measure 4-1 incorporated under Impacts 5.4 1 would reduce would reduce potential impacts to archaeological resources. | Project and Cumulative Impacts are Less than significant |
| 5.15 TRIBAL CULTURAL RESOURCES | | | |
| Impact 5.15-1: Tribal cultural resources could be adversely <u>affected by ground disturbing activities including, but not limited to, grading, brush clearing, and trenching impacted by grading</u> activities associated with the proposed project. | Potentially Significant | <p>Mitigation Measure 4-1 incorporated under Impacts 5.4 1 would reduce would reduce potential impacts to tribal Cultural resources.</p> <p>15-1 Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the future developer shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer and interested tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the project. The developer shall make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject to future development, erosion or flooding.</p> <p>15-2 Archaeological Monitoring. At least 30-days prior to application for a grading permit and before any <u>brush clearance, grading, excavation and/or ground disturbing activities</u> on the site take place, the future developer shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological</p> | Project and Cumulative Impacts are Less than significant |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|---|--|
| | | <p>resources.</p> <ol style="list-style-type: none"> 1. The project archaeologist, in consultation with interested tribes, the developer and the City of Yucaipa, shall develop an Archaeological Monitoring Plan (AMP) to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the AMP shall include: <ol style="list-style-type: none"> a. Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.) grading and development scheduling; b. The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists <u>(if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the Native American Heritage Commission shall designate the schedule for the onsite Native American Tribal Monitor for the proposed project);</u> c. The protocols and stipulations that the developer, City, Tribes and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. <p>Pursuant to the AMP, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, <u>San Manuel Band of Mission Indians</u>, and/or Soboba Band of Luiseño Indians) shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities.</p> | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|--|--|
| | | <p>15-3 Treatment and Disposition of Cultural Resources. In the event that Native American cultural resources are inadvertently discovered during the course of <u>any ground disturbing activities, including but not limited to brush clearance, grading, trenching, etc. grading</u> for the proposed project, the following procedures will be carried out for treatment and disposition of the discoveries:</p> <ol style="list-style-type: none"> 1. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and 2. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Yucaipa with evidence of same: <ol style="list-style-type: none"> a. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all <u>cataloguing, basic analysis, and other analyses as recommended by the project archaeologist and approved by consulting tribes and basic recordation</u> have been completed; <u>all documentation should be at a level of standard professional practice to allow the writing of a report of professional quality;</u> b. A curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Bernardino County, | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|---|--|
| | | <p>to be accompanied by payment of the fees necessary for permanent curation:</p> <ul style="list-style-type: none"> c. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the San Bernardino County Museum by default; and. d. At the completion of grading, excavation and ground disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City, County Museum, and consulting tribes. <p>15-4 Discovery of Human Remains. In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the San Bernardino County Coroner and the City of Yucaipa Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state</p> | |

3. Revisions to the Draft EIR

Table ES-2 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

| Environmental Impact | Level of Significance Before Mitigation | Mitigation Measures | Level of Significance After Mitigation |
|----------------------|---|---|--|
| | | <p>relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s)(MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains shall be overseen by the MLD to determine the most appropriate means of treating the human remains and any associated grave artifacts.</p> <p>The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the San Bernardino County Museum.</p> <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).</p> <p>15-5 <u>During construction activities, the project applicant shall allow archaeological monitors of Native American tribes to access the project site on a volunteer basis to monitor grading and excavation activities.</u></p> | |

3. Revisions to the Draft EIR

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3. Revisions to the Draft EIR

3.3 REVISED FIGURES

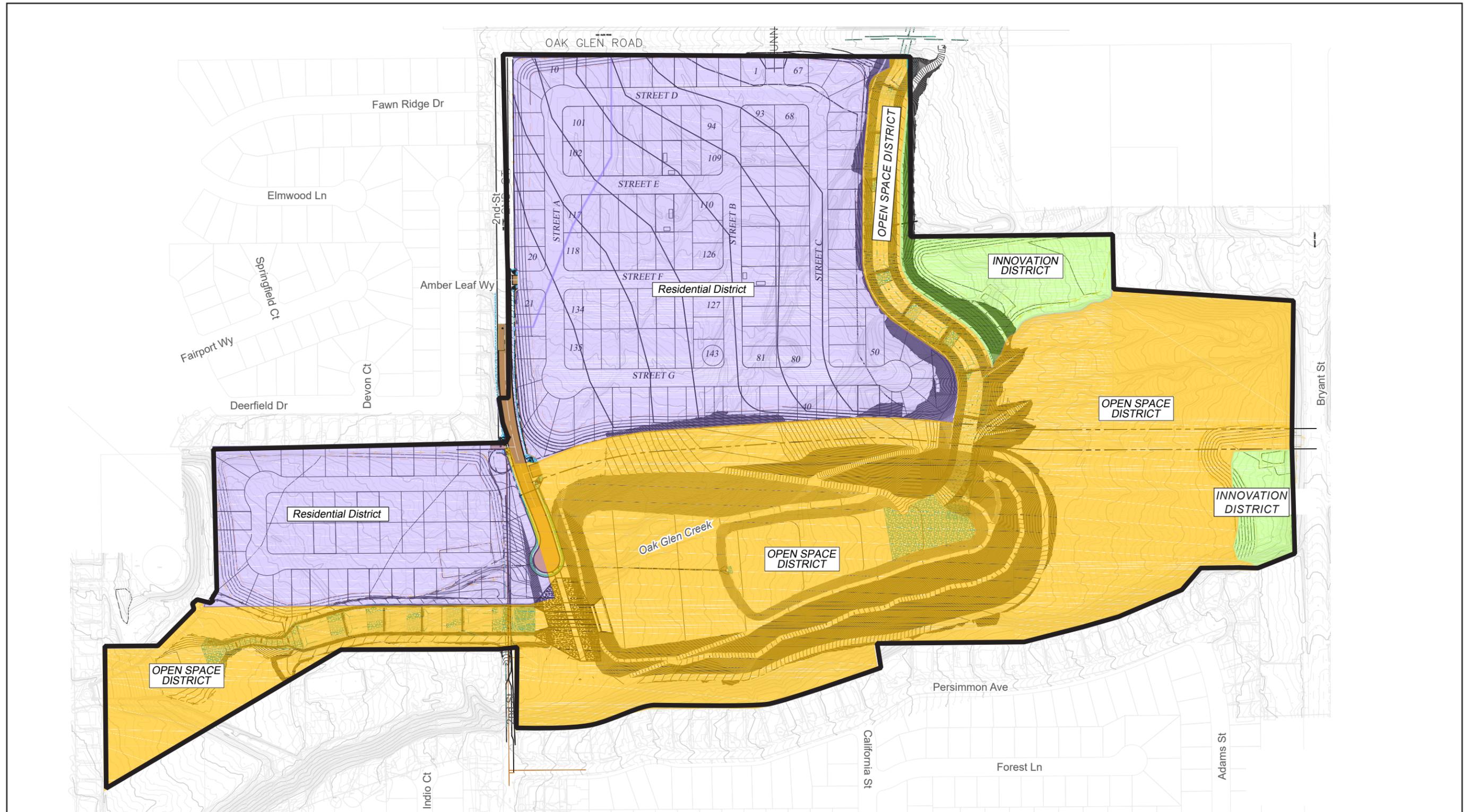
The following figures already appear in the DEIR but are revised based on revisions to the project description and/or in response to comments. A summary of the changes are provided below.

- **Page 1-15, Chapter 1, *Executive Summary*.** Figure ES-5, *Proposed Land Use Plan*, has been revised based on revisions to the design of 2nd Street across the proposed basin's emergency spillway in the southwest portion of the project site. Second Street narrows from a Local roadway with a 60-foot right-of-way to a 20-foot concrete access road.
- **Page 3-15, Chapter 3, *Project Description*.** Similar to Figure ES-5, Figure 3-5, *Proposed Land Use Plan*, has been revised to reflect the design change of 2nd Street across the proposed basin's emergency spillway in the southwest portion of the project site.
- **Page 3-25, Chapter 3, *Project Description*.** Figure 3-6, *Conceptual Open Space Landscape Plan*, has been revised to reflect the design change of 2nd Street in the southwest portion of the project site and to provide more detail on the basin's landscape design.
- **Page 3-27, Chapter 3, *Project Description*.** Figure 3-7, *Proposed Grading Plan*, has been revised to reflect the design change of 2nd Street in the southwest portion of the project site.
- **Page 5.3-15, Section 5.3, *Biological Resources*.** Figure 5.3-2, *Sensitive Plants Map*, has been revised based on a focused botanical survey conducted in the 2017 spring season by Dudek Associates, as an update to the 2011/2012 botanical survey results.
- **Page 5.3-19, Section 5.3, *Biological Resources*.** Figure 5.3-3, *Jurisdictional Waters Map*, has been revised to reflect an updated jurisdictional delineation conducted in 2017 by Dudek Associates.
- **Page 5.3-23, Section 5.3, *Biological Resources*.** Figure 5.3-4, *Impacted Sensitive Species*, has been revised based on a focused botanical survey conducted in the 2017 spring season by Dudek Associates, as an update to the 2011/2012 botanical survey results.
- **Page 5.3-31, Section 5.3, *Biological Resources*.** Figure 5.3-6, *Impacted Jurisdictional Resources*, has been revised to reflect an updated jurisdictional delineation conducted in 2017 by Dudek Associates.

3. Revisions to the Draft EIR

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Figure ES-5 Proposed Land Use Plan
1. Executive Summary



Project Boundary

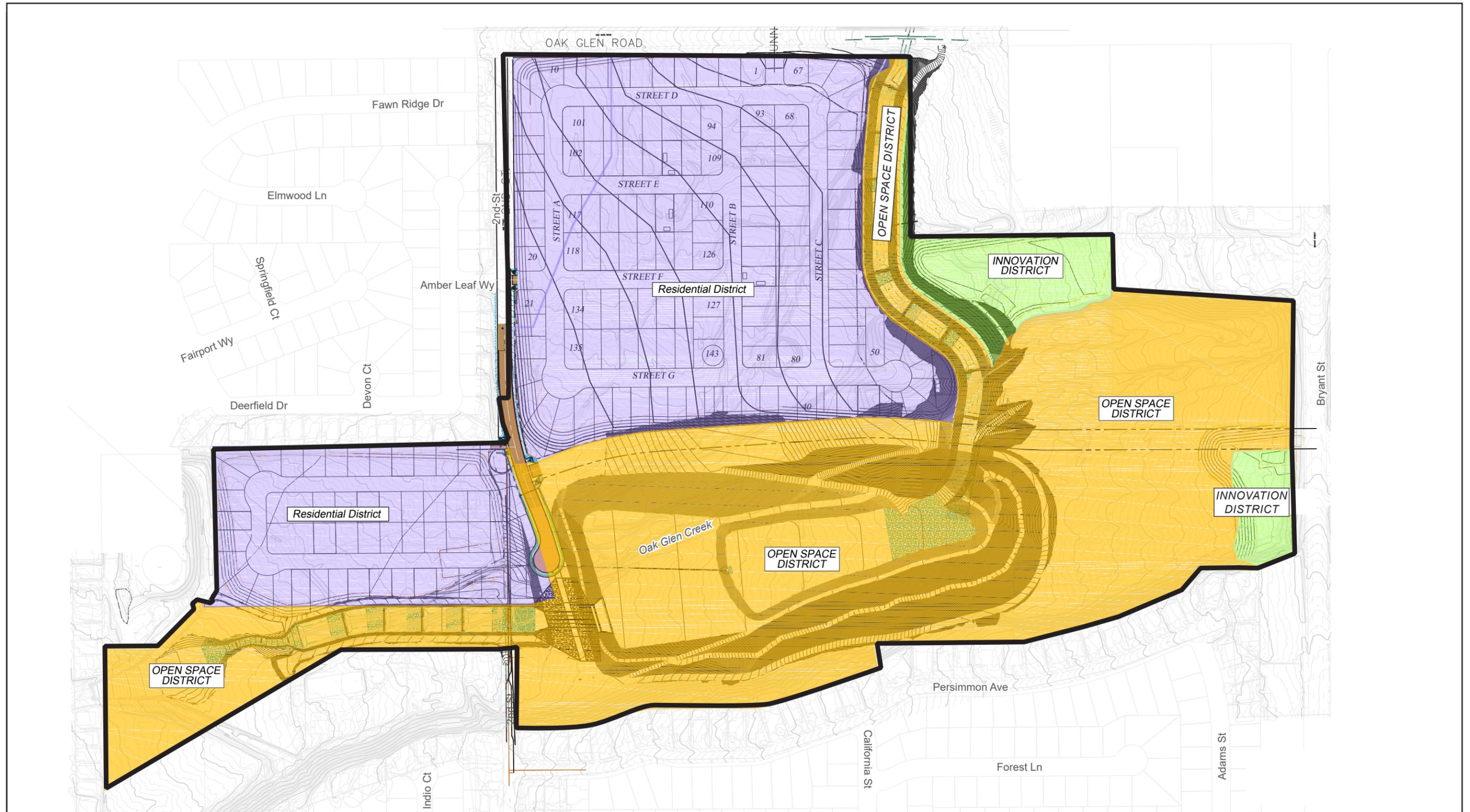
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Scale (Feet)



3. Revisions to the Draft EIR

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Figure 3-5 Proposed Land Use Plan
3. Project Description



Project Boundary

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3. Revisions to the Draft EIR

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Figure 3-6 Conceptual Open Space Landscape Plan
3. Project Description



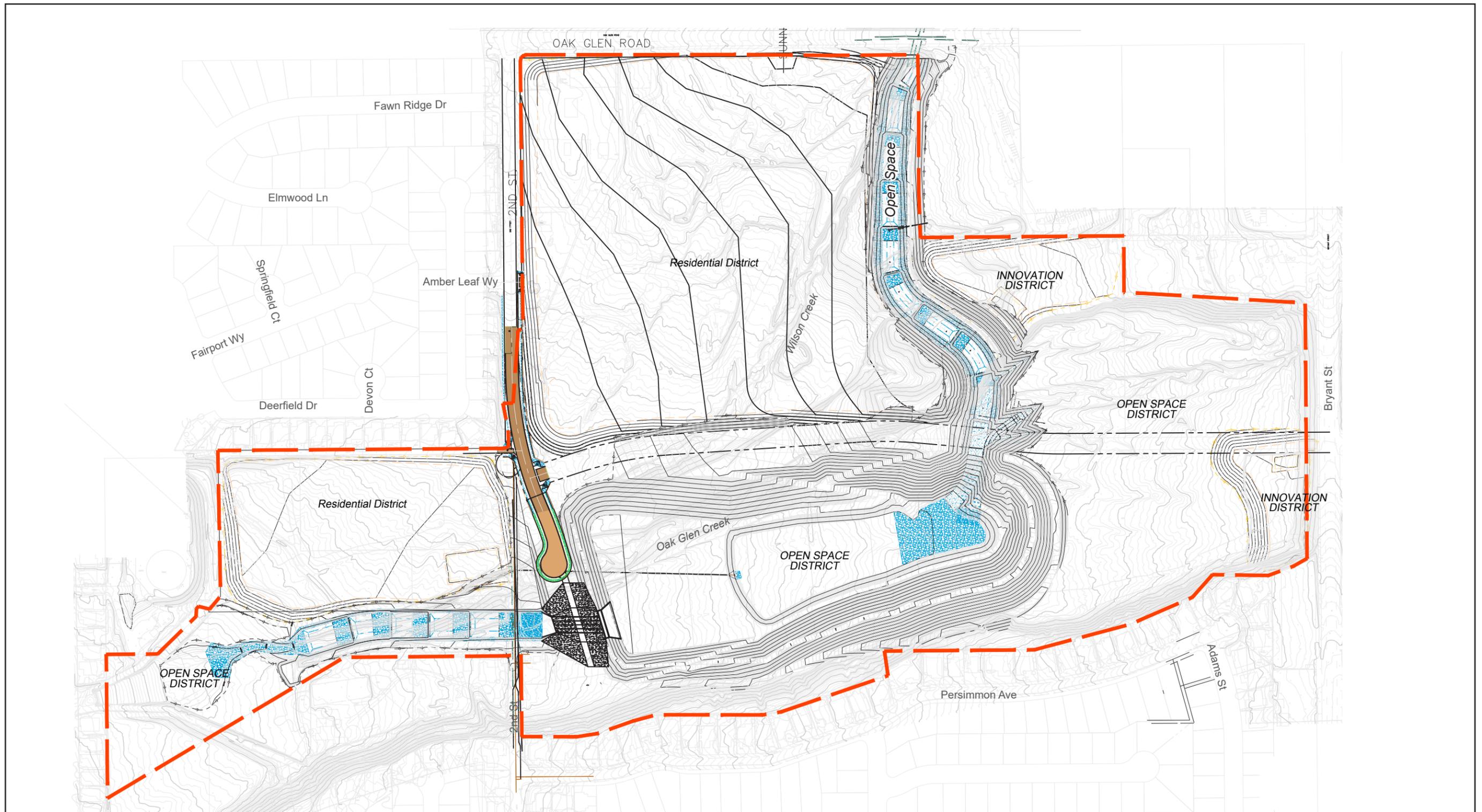
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3. Revisions to the Draft EIR

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Figure 3-7 Proposed Grading Plan
3. Project Description



Project Boundary

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Scale (Feet)



Source: City of Yucaipa, 2017

3. Revisions to the Draft EIR

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Figure 5.3-2 Sensitive Plants Map
5. Environmental Analysis



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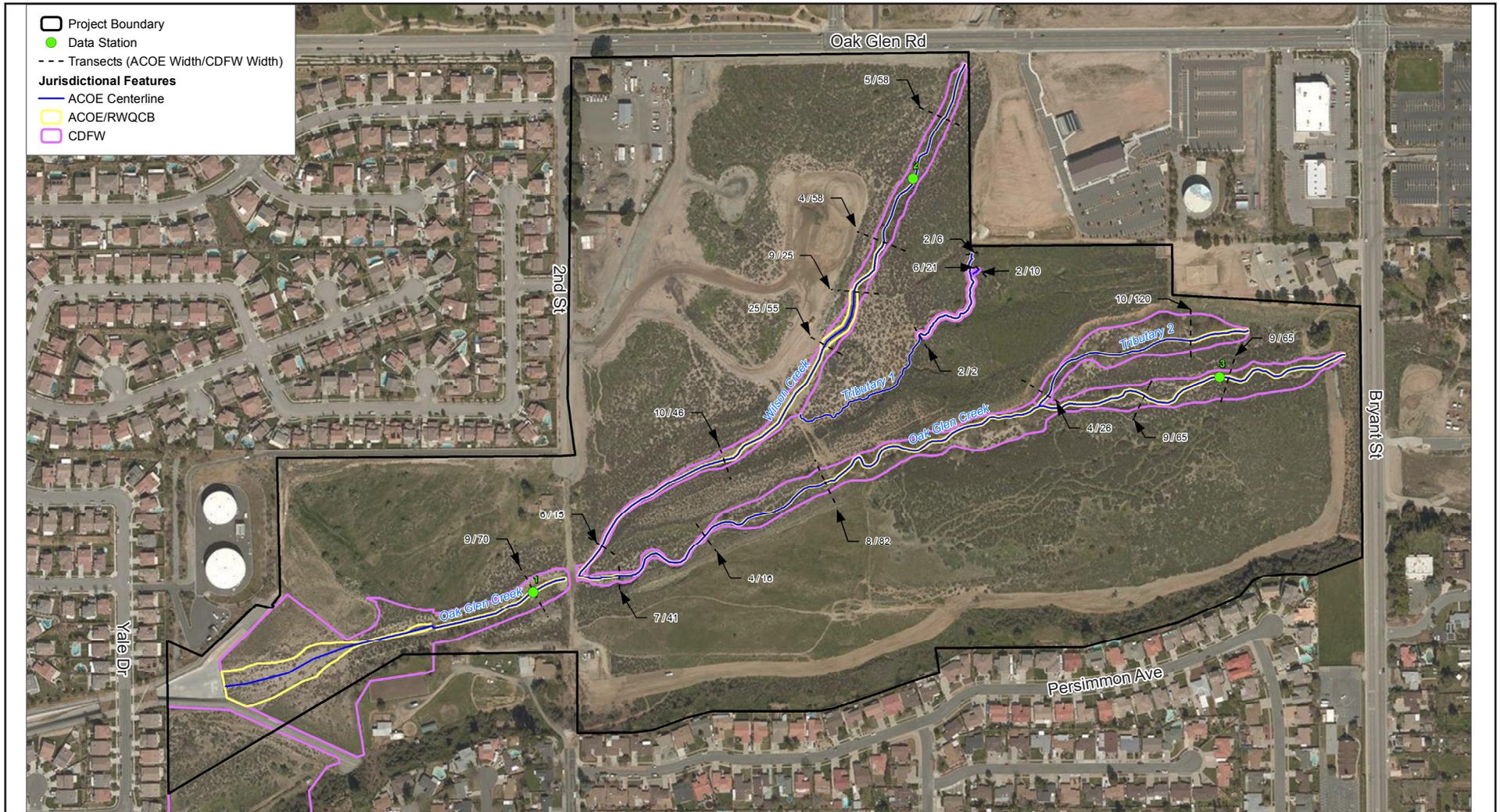


Source: Dudek, 2017

3. Revisions to the Draft EIR

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Figure 5.3-3 Jurisdictional Waters Map
5. Environmental Analysis



Source: Dudek, 2017



3. Revisions to the Draft EIR

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Figure 5.3-4 Impacted Sensitive Plants
5. Environmental Analysis



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Scale (Feet)

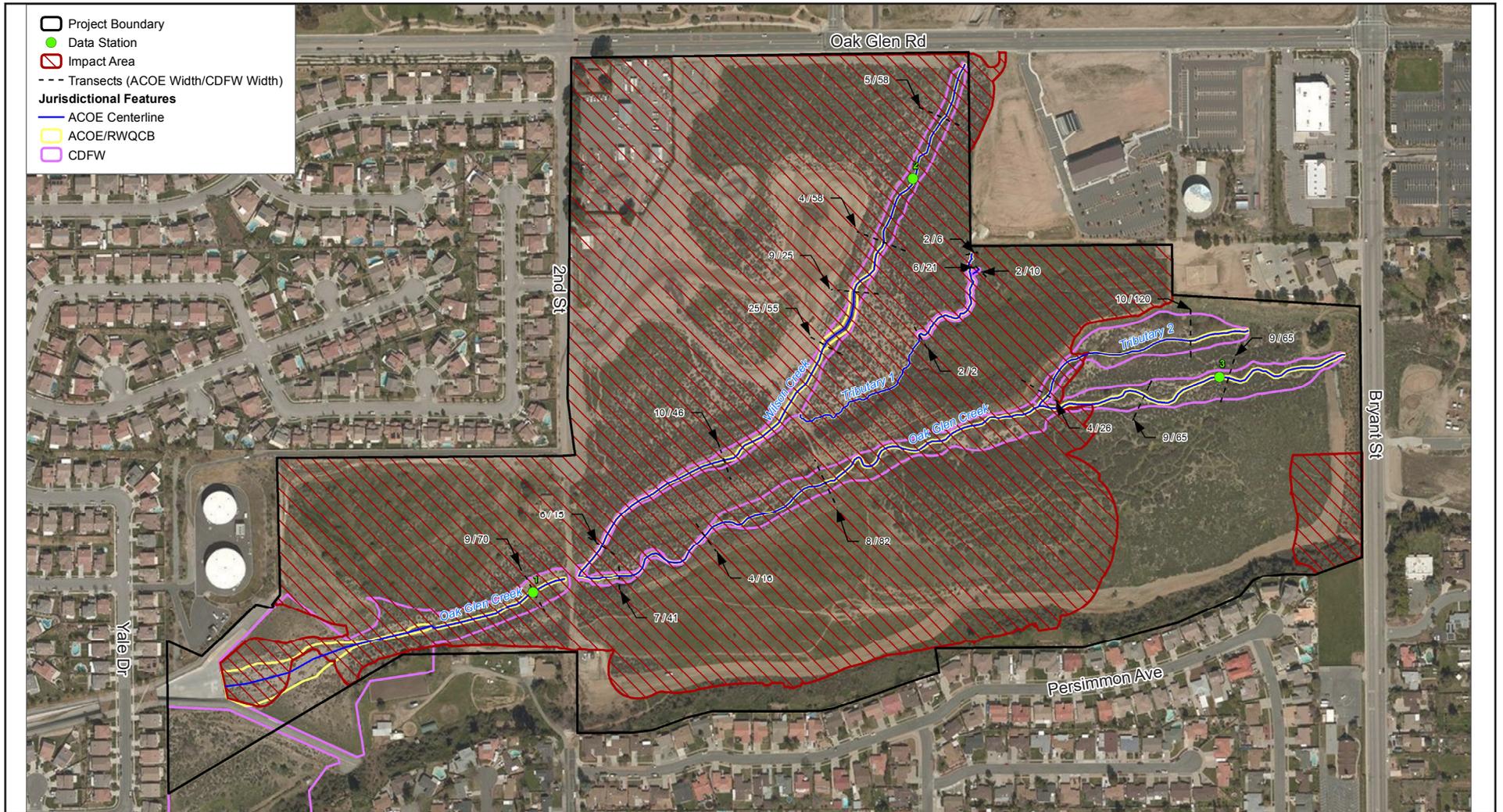


Source: Dudek, 2017

3. Revisions to the Draft EIR

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Figure 5.3-6 Impacted Jurisdictional Waters
5. Environmental Analysis



- Project Boundary
- Data Station
- ▨ Impact Area
- - - Transects (ACOE Width/CDFW Width)
- Jurisdictional Features**
- ACOE Centerline
- ACOE/RWQCB
- CDFW

0 500
Scale (Feet)



Source: Dudek, 2017

3. Revisions to the Draft EIR

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Appendix A Updated Biological Resources Reports

A1 – San Bernardino Kangaroo Rat Survey

A2 – California Gnatcatcher Survey

A3 – Focused Botanical Survey

A4 – Jurisdictional Delineation Update

Appendices

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47 1st Street, Suite 1
Redlands, CA 92373-4601
(909) 915-5900

July 7, 2017

Stacey Love
Recovery Permit Coordinator
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

**RE: USFWS permit No. TE- TE-094308-4
45-Day San Bernardino kangaroo rat (SBKR) Presence/Absence Survey Report
40-acre Wilson III Project, City of Yucaipa, California**

Dear Ms. Love

This letter report contains the findings of my June 2017 San Bernardino kangaroo rat (*Dipodomys merriami parvus* [SBKR]) presence/absence survey of the Wilson III Project (project), which is located in the City of Yucaipa, San Bernardino County, California. The study site is located outside of critical habitat for SBKR and the nearest documented SBKR occurrence is approximately 2.5 miles northwest of the project area, on the north side of Mill Creek. The nearest designated SBKR critical habitat is approximately 2 miles away. However, the project site and immediate vicinity does contain suitable habitat for this species, and SBKR have been documented to occur within similar flood control facilities. Therefore, presence/absence surveys were conducted for this project. Following a 15-Day Notification to the U. S. Fish and Wildlife Service (USFWS), the project site (Wilson III) was surveyed for the federally-listed as endangered SBKR by permitted biologist Shay Lawrey from June 1 to June 6, 2017. **No SBKR** were trapped during the survey and the negative finding determined no SBKR presence on the site.

Project Location

The proposed project is located within a flood control facility, approximately an approximate 40-acres in size, along Oak Glen Creek and Wilson Creek, south of Oak Glen Road and west of Bryant Street. This facility is locally known as Wilson III. Towards the north and west are the Crafton Hills; the San Bernardino National Forest is to the east. See Figure 1, *Regional Location*. The proposed project site is depicted on the U.S. Geological Survey (USGS) 7.5-minute series *Yucaipa* Topographic Quadrangle Section 36 of Township 1 South, Range 1 West, and can be accessed from Bryant Street along an existing gated flood control basin access road (Figures 1-3).

Species Background

The SBKR is one of several kangaroo rat species in its range. The Dulzura (*Dipodomys simulans*), the Pacific kangaroo rat (*D. agilis*) and the Stephens kangaroo rat (*D. stephensi*) occur in areas occupied by the SBKR, but these other species have a wider habitat range. The habitat of the SBKR is described as being confined to primary and secondary alluvial fan scrub habitats, with sandy soils

deposited by fluvial (water) rather than aeolian (wind) processes. Burrows are dug in loose soil, usually near or beneath shrubs. The SBKR is confined to inland valley scrub communities, and more particularly, to scrub communities occurring along rivers, streams and drainage. The past habitat losses for SBKR and potential future losses prompted the emergency listing of the SBKR as an endangered species.

Methods

Ms. Lawrey has 15 years of experience with SBKR and is a biologist permitted (USFWS permit number TE 094308-4) by the USFWS to trap and handle SBKR. Ms. Lawrey initiated the survey on the evening of June 1, 2017. Trapping continued until the morning of June 6, 2017. A total of 175, 12-inch Sherman live traps (product number SLK; H.B. Sherman Traps, Tallahassee, FL) were set along seven trap-lines consisting of 25 traps each, spaced approximately 10 meters apart. Each trap was baited with mixture of rolled oats and commercially-formulated small mammal feed (seed) that included a millet seed. The traps were opened after dusk each night, inspected at midnight and at 4 a.m. when all animals were identified and released unharmed at the point of capture.

Results and Conclusions

The site conditions presented marginal quality of habitat for SBKR. Soils were fine and sandy with ground cover composed of mixed native and non-native species. Native vegetative cover on site and surrounding area is comprised mostly of California sagebrush (*Artemisia californica*), California croton (*Croton californicus*), hairy yerba santa (*Eriodictyon trichocalyx*), California buckwheat (*Eriogonum fasciculatum*), and scalebroom (*Lepidospartum squamatum*). Non-native vegetation included mustard (*Hirschfeldia incana*), tree tobacco (*Nicotiana glauca*), and russian thistle (*Salsola tragus*). The vegetation was dense with an average percent ground cover of 80 percent.

Temperatures were warm with overnight low temperatures ranging from approximately 56 degrees Fahrenheit (° F) to 66° F. The moon was in waxing gibbous and the skies were clear. Weather was ideal for trapping and winds were calm (approximately 0 – 8 MPH).

Table 1. Survey Dates of Trap Night, Weather Conditions, and Moon Phases

| Survey Dates | % Cloud Cover | Wind (BFT) | Overnight Low Temp (°F) | Precipitation | Moon Phase |
|--------------|---------------|------------|-------------------------|---------------|----------------|
| June 1 | 10 | 2 | 73 at time of set | 0 | First Quarter |
| June 2 | 0 | 2 | 56 | 0 | First Quarter |
| June 3 | 5 | 0 | 66 | 0 | Waxing Gibbous |
| June 4 | 10 | 1 | 63 | 0 | Waxing Gibbous |
| June 5 | 10 | 0 | 65 | 0 | Waxing Gibbous |
| June 6 | 5 | 2 | 60 | 0 | Waxing Gibbous |

Sign of various small mammals were observed within the areas of the trap lines set within the Wilson III project area and four rodent species were trapped in the SBKR survey areas. **No SBKR** were found during the 5-night trapping session. **SBKR are absent.** Project implementation at this site would not affect this species.

Table 2. Species Captured

| Species | Trap night |
|--|------------|
| Deer mouse (<i>Peromyscus maniculatus</i>) | 142 |
| San Diego pocket mouse (<i>Chaetodipus fallax</i>) | 168 |
| Dulzura kangaroo rat (<i>Dipodomys simulans</i>) | 16 |
| House mouse (<i>Mus musculus</i>) | 2 |

(Phylogenetic listing per Jameson & Peters, California Mammals, 1988)

Certification:

I hereby certify that the statements furnished herein, and in the attached exhibits present data and information required for this Biological Survey to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief. This report was prepared in accordance with professional requirements and recommended protocols issued in (USFWS permit No. TE-094308-4)

Please do not hesitate to contact at 909-915-5900 should you have any questions or require further information.

Sincerely,



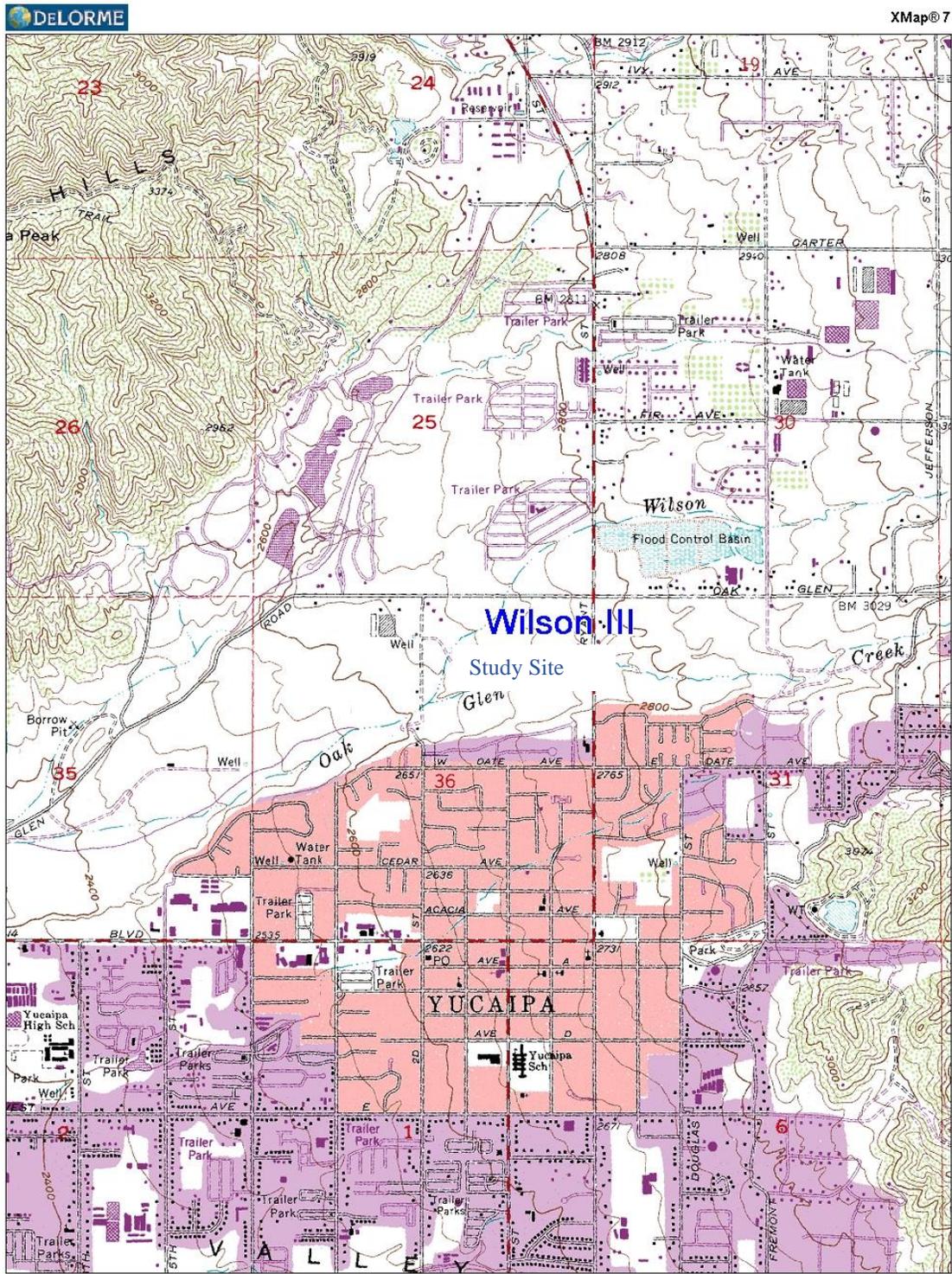
Shay Lawrey, President
Ecologist/Regulatory Specialist
USFWS permit number TE 094308-4

Enclosures:

Figures:

- Figure 1 – Regional Location Map
- Figure 2 – USGS Topographic Map of Study Site
- Figure 3 – Aerial Photograph of Study Site

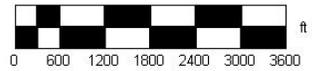
Site Photographs



Data use subject to license.

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Data Zoom 13-1



Site Photographs



Photo 1. View of site conditions- native species are mixed with non-native grasses



Photo 2. View of site conditions- native species with bare ground exposed



47 1st Street, Suite 1
Redlands, CA 92373-4601
(909) 915-5900

July 11, 2017

Stacey Love
Recovery Permit Coordinator
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

**RE: USFWS permit No. TE 02484A-1
45-Day California gnatcatcher (CAGN Presence/Absence Survey Report
40-acres within Wilson III Project, City of Yucaipa, California**

Dear Ms. Love

This letter report contains the findings of my June 2017 breeding season survey coastal California gnatcatcher (*Polioptila californica californica*) [CAGN] presence/absence survey of the Wilson III Project (project), which is located in the City of Yucaipa, San Bernardino County, California. The study site is located outside of critical habitat for CAGN and the nearest documented CAGN occurrence is approximately 3 miles northwest of the project area. This site is not mapped within critical habitat for CAGN, but there is suitable habitat for CAGN within Wilson III flood control facility and vicinity. Therefore, presence/absence surveys were conducted for this project. Following a 15-Day Notification to the U. S. Fish and Wildlife Service (USFWS), the project site (Wilson III) was surveyed for the federally-listed as threatened CAGN by permitted biologist Brian Karpman from May 24 to June 27, 2017. **No CAGN** were observed during the breeding season survey and the negative finding determined the CAGN are absent on the site.

Project Location

The proposed project is located within a flood control facility, approximately an approximate 40-acres in size, along Oak Glen Creek and Wilson Creek, south of Oak Glen Road and west of Bryant Street. This facility is locally known as Wilson III. Towards the north and west are the Crafton Hills; the San Bernardino National Forest is to the east. See Figure 1, *Regional Location*. The proposed project site is depicted on the U.S. Geological Survey (USGS) 7.5-minute series *Yucaipa* Topographic Quadrangle Section 36 of Township 1 South, Range 1 West, and can be accessed from Bryant Street along an existing gated flood control basin access road (Figures 1-3).

Species Background

This bird species is a federally listed Threatened Species that occurs in Coastal Sage Scrub (CSS) in southern California. The CAGN are year-round residents of the CSS vegetative community in southern California. As late as the mid-1940s the CAGN was considered locally common and by the mid-1960s, a noticeable decline had begun. The CAGN was listed as Threatened under the Endangered Species Act (Act) on March 30, 1993, by the U.S. Fish and Wildlife Service (Service).

Breeding pairs become highly territorial by late February or early March. The CAGN is a small thrush-like songbird approximately 4 to 5 inches in length with dark, blue-gray plumage above and gray-white plumage below. Nest building begins during the second or third week of March.

Methods

Habitat suitability evaluations were conducted for the CAGN have been historically observed within five- mile radius of the project site. The result of this assessment was that the proposed project site has characteristics and species composition that could potentially support CAGN. Approximately 40 acres of the Wilson III facility is comprised of coastal sage scrub habitat elements.

The accepted CAGN focused survey protocol requires 6 visits not less than 7 days apart during the breeding season (March 15 to June 30) or 9 visits not less than 2 weeks apart during the non-breeding season (July 1 to March 14). The protocol for this breeding survey conducted in accordance with the protocol. No modifications were requested. Brian Karpman (TE 02484A-1) initiated the survey May 24, 2017 and concluded on June 27, 2017. The survey was conducted during weather conditions appropriate for detection of the species. No surveys were conducted in inclement weather or during periods of excessive winds. Notes included weather conditions such as temperature, wind speed, cloud cover, and precipitation. Site characteristics such as soils, topography, the condition of the plant communities, and evidence of human use of the site were also noted.

Results and conclusion

The result of this survey is that no CAGN were observed during this survey. **CAGN are absent.** Bird species observed included California quail, house finch, black-headed grosbeak, phainopepla, brown towhee, spotted towhee, bushtit, America kestrel, ash-throated flycatcher, raven, hooded oriole, lesser goldfinch, mourning dove raven, red-tailed hawk.

Table 1. Survey Data Summary

| Date | Survey Time | | Temperature | | Wind | | Cloud Cover | | Results CAGN |
|---------------|-------------|------|-------------|-----|---------|---------|-------------|-----|---------------|
| | Start | End | Start | End | Start | End | Start | End | |
| May 24, 2017 | 0730 | 1030 | 63 | 69 | 1-4 mph | 3-6 mph | 70% | 40% | None detected |
| May 30, 2017 | 0730 | 1030 | 65 | 71 | 0-1 mph | 0-1 mph | 70% | 40% | None detected |
| June 6, 2017 | 0600 | 1000 | 63 | 70 | 0-1 mph | 0-1 mph | 5% | 20% | None detected |
| June 13, 2017 | 0550 | 0915 | 54 | 68 | 0-1 mph | 0-1 mph | 0% | 0% | None detected |
| June 20, 2017 | 0600 | 0930 | 70 | 76 | 0-1 mph | 0-1 mph | 0% | 0% | None detected |
| June 27, 2017 | 0630 | 0955 | 69 | 78 | 1-3 mph | 0-1 mph | 0% | 0% | None detected |

Certification

I hereby certify that the statements furnished herein, and in the attached exhibits present data and information required for this Biological Survey to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief. This report was prepared in accordance with professional requirements and recommended protocols issued in (USFWS permit No. TE 02484A-1).

Please do not hesitate to contact me at 714 454-7784 or email me at coachkarps@icloud.com.

Sincerely,

Brian Karpman

Brian Karpman
TE 02484A-1 (authorized individual)
TE-01768B-0 (in renewal process)

Enclosures:

Figures:

- Figure 1 – Regional Location Map
- Figure 2 – USGS Topographic Map of Study Site
- Figure 3 – Aerial Photograph of Study Site

Site Photographs 1-6

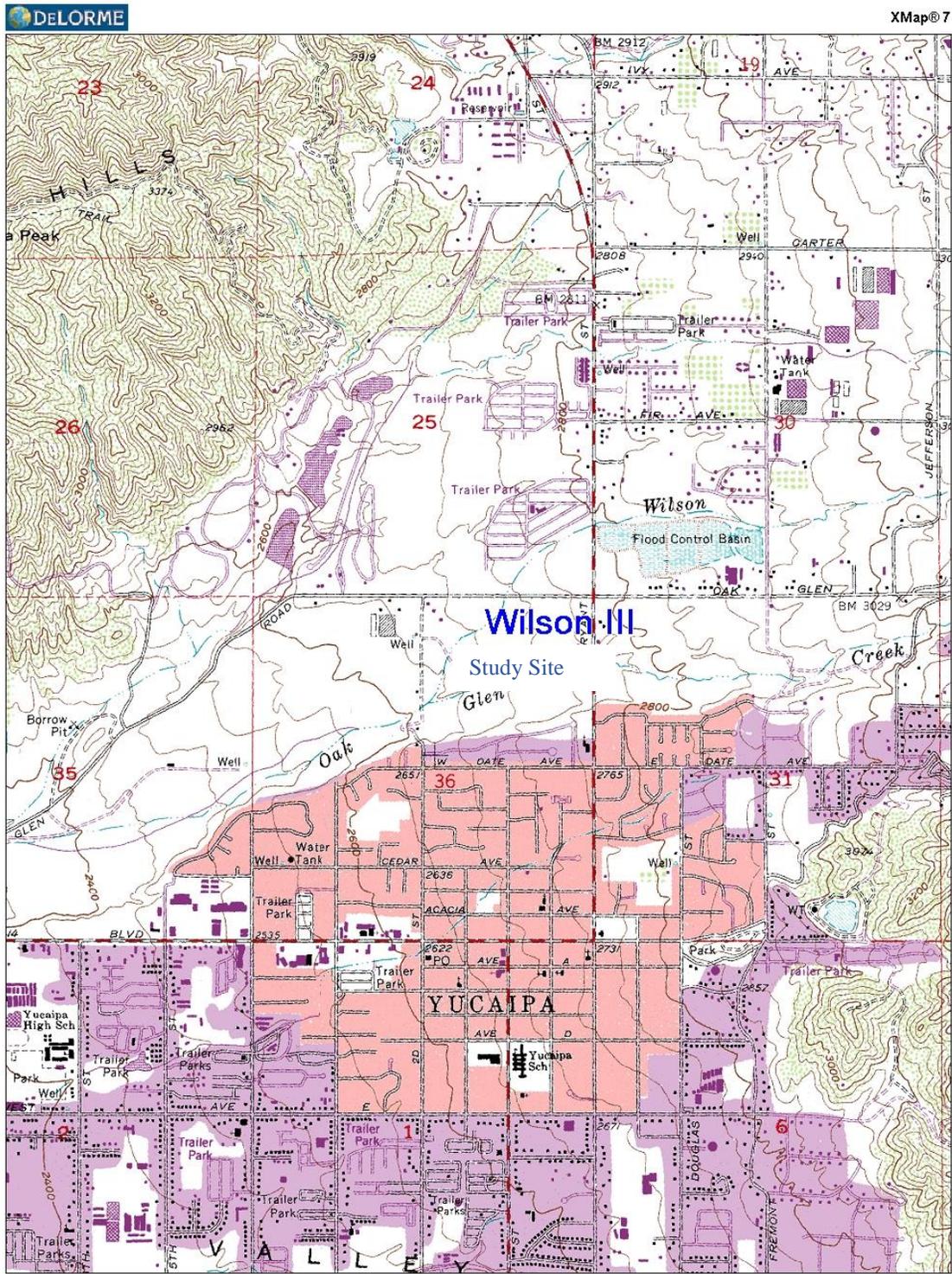
USFWS permit No. TE 02484A-1
 45-Day CAGN Presence/Absence Survey Report
 Wilson III-City of Yucaipa, San Bernardino County



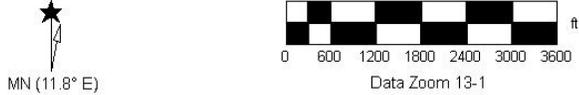
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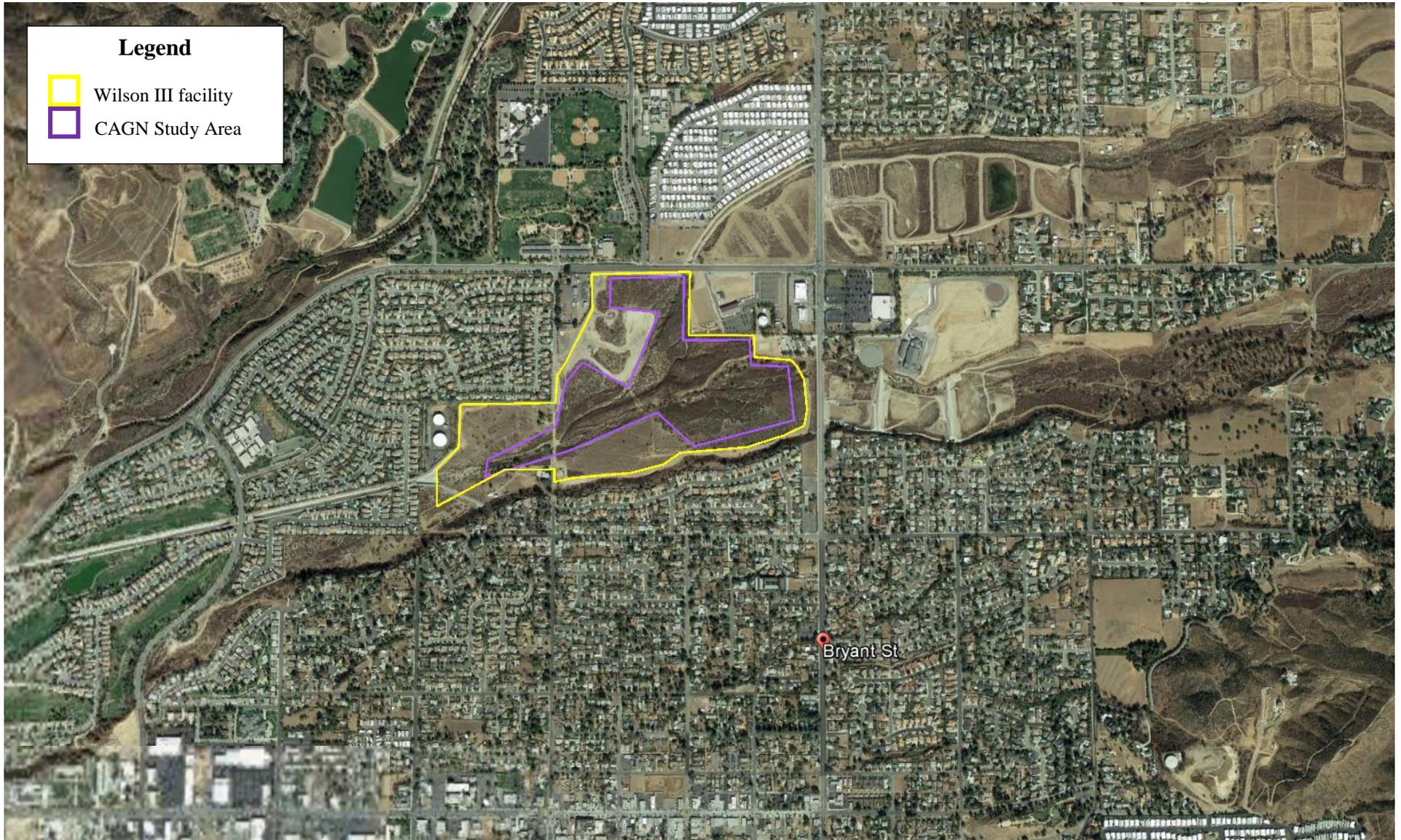
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Site Photographs 1-6- Views of existing site conditions in 2017 CAGN survey area



June 26, 2017

10373

Mike Seal
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, California 92399

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Dear Mr. Seal:

Dudek has prepared this letter report for the City of Yucaipa in support of the Oak Glen Creek Specific Plan Project, City of Yucaipa, California, hereafter known as “project” or “project site.” This letter report provides the methods and survey results for the 2017 focused special-status plant surveys.

1 INTRODUCTION

1.1 Purpose

Previous botanical surveys within the project site to identify special-status plants were conducted by Cadre Environmental from April through July 2011, and February through May 2012, respectively. According to the Cadre Environmental *Sensitive Species Survey Report* (2012), a total of 29 target special-status plant species were identified and surveyed for within the project site. Focused surveys resulted in the detection of one species: Parry’s spineflower (*Chorizanthe parryi* var. *parryi*), with a total population of 6,663 individuals. However, a California Department of Fish and Wildlife (CDFW) comment letter, dated January 20, 2017, indicates that surveys are not considered current and recent rainfall totals may result in changes in the observable species assemblage. To address the CDFW comment, a 2017 focused special-status plant survey was conducted by Dudek.

1.2 Project Location

The 113.9-acre project site is located north of Persimmon Avenue, east of 2nd Street, south of Oak Glen Road and west of Bryant Street, within the City of Yucaipa, California (Figure 1). The Project site is found on the U.S. Geological Survey (USGS) 7.5-minute Yucaipa quadrangle, Township 1 South, Range 2 West, Section 26 (Figure 2).

Mr. Mike Seal

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

1.3 Site Description

The project site incorporates a segment of two main drainages on-site: Oak Glen Creek and Wilson Creek. These drainages flow east to west, entering the easterly property boundary from Bryant Street and Oak Glen Road discharging off-site at the western site boundary. Alluvial fan terraces associated with these drainages extend through the project site. The site is relatively flat, with gently sloping terrain from the alluvial terraces to the Oak Glen Creek and Wilson Creek at approximately 2,548 feet to 2,763 feet above mean sea level (amsl). Vegetation identified within the Cadre Environmental *Sensitive Species Survey Report* (2012) included disturbed/ruderal, ruderal, ornamental, non-native grassland, alluvial fan sage scrub, California buckwheat scrub, California buckwheat scrub/non-native grassland ecotone, deerweed scrub, deerweed scrub/non-native grassland sycamore ecotone, mixed sage scrub, chamise chaparral, chamise chaparral/burned, *Eriodictyon* chaparral, *Eriodictyon* chaparral/non-native grassland ecotone, northern mixed chaparral, northern mixed chaparral/non-native grassland ecotone, coast live oak, southern cottonwood riparian woodland, southern sycamore riparian woodland, southern willow scrub, mulefat scrub, and unvegetated wash.

Five soil types were mapped on-site according to the Cadre Environmental *Sensitive Species Survey Report* (2012) include Hanford coarse sandy loam, 2 to 9% slopes; Psamments and fluvents, frequently flooded; Saugus sandy loam, 30 to 50% slopes; Tujunga loamy sand, and 0 to 5% slopes.

2 METHODS

2.1 Literature Review

Latin and common names for plant species with a California Rare Plant Rank (formerly CNPS List) follow the California Native Plant Society On-Line Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2017). For plant species without a California Rare Plant Rank, Latin names follow the Jepson Interchange List of Currently Accepted Names of Native and Naturalized Plants of California (Jepson Flora Project 2016) and common names follow the List of Vegetation Alliances and Associations (CDFG 2010) or the United States Department of Agriculture (USDA) Natural Resources Conservation Service Plants Database (USDA 2016).

2.2 Special-Status Plant Surveys

In April and June 2017, Dudek conducted focused special-status plant surveys within the project site. Table 1 lists the dates, conditions, and survey focus for each survey.

Mr. Mike Seal

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Table 1
Schedule of Surveys

| Date | Hours | Personnel | Conditions |
|----------|-----------|-----------|--|
| 04/19/17 | 0720–1540 | BAS; KCD | 51–70°F, 20–50% cloud cover (cc), 1–5 miles per hour (mph) winds |
| 06/12/17 | 0750–1620 | BAS; KCD | 56–73°F, 0–80% cloud cover (cc), 0–10 miles per hour (mph) winds |

Note:

* BAS: Britney Strittmater; KCD: Kathleen Dayton

Surveys for special-status species were conducted by walking transects throughout the entire project site. Survey emphasis was targeted on areas of suitable habitat including alluvial areas and adjacent terraces. Parry’s spineflower populations were thoroughly mapped in 2011 and accuracy and inventory of the 2011 population were confirmed in 2012. Based on the extensive mapping conducted by Cadre Environmental, the 2017 focused special-status plant surveys for Parry’s spineflower populations were not remapped unless populations sizes had expanded or new occurrences were observed. Special-status plant observations were mapped in the field using a GPS receiver to record the location of special-status plant populations. The special-status plant observations were downloaded by Dudek GIS technician Spencer Lucarelli, using ArcGIS software. Focused special-status plant surveys conformed to CNPS Botanical Survey Guidelines (CNPS 2001); Protocols for Surveying and Evaluating Impacts to Special Status Native Populations and Natural Communities (CDFG 2009); and U.S. Fish and Wildlife Services General Rare Plant Survey Guidelines (Cypher 2002).

All plant species encountered during the field surveys were identified to subspecies or variety, if applicable, to determine sensitivity status. Moreover, all plant species encountered in the field were recorded.

2.2 Survey Limitations

Surveys for special-status species were conducted in April and June 2017. The timing of the surveys coincided with the blooming period for most target species. All 29 plant species with potential to occur on site, begin blooming between March and June, with the exception of one species; San Bernardino aster (*Symphyotrichum defoliatum*), which does not begin blooming until July. San Bernardino aster is a perennial herb and no genera of *Symphyotrichum* were observed during the June 2017 pass. A reference check was conducted for this species on June 20, 2017 on Tejon Ranch, located in Lebec, California. The reference check population was located immediately east of Interstate 5 (I-5) and was conducted in order to confirm if this species would have been identifiable during the June 2017 focused survey. San Bernardino aster was observed at the reference population check with populations greater than 500 individuals.

Mr. Mike Seal

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Approximately 20% were observed flowering and 80% were in the vegetative state confirming that this species would have been detected and identifiable in both the flowering and vegetative state during the June 2017 focused survey.

All surveys were conducted during daylight hours under weather conditions that did not preclude observation of special-status plant species (e.g., surveys were not conducted during heavy fog or rain).

3 RESULTS OF SURVEYS

3.1 Botany – Floral Diversity

A total of 133 species of native or naturalized plants, 93 native (70%) and 40 non-native (30%), was recorded on the site (see Attachment A).

3.2 Special-Status Plant Species

One special-status plant species were recorded on site: Parry’s spineflower (Figure 3). The 2011 and 2012 focused surveys conducted by Cadre Environmental observed a total of 6,663 individuals of Parry’s spineflower. As discussed in Section 2.2, previously mapped Parry’s spineflower populations were not remapped or counted unless population sizes had expanded or new occurrences were observed. In 2017, a total of approximately 4,590 individuals of Parry’s spineflower were mapped that had not previously been recorded.

Table 2 lists the special-status species that were the focus of special-status plant surveys in 2017, and provides an analysis of their potential to occur on site based on geography, topography, vegetation communities, soils, and survey results.

Table 2
Special-Status Plant Species and their Potential to Occur on Site

| Scientific Name | Common Name | Status: Federal/ State ¹ | Habitat Requirements/ Life Form/Blooming Period/Elevation Range | Status On Site or Potential to Occur |
|------------------------------|--------------------|-------------------------------------|---|--|
| <i>Allium marvinii</i> | Yucaipa onion | None/None/1B.2 | Chaparral (clay, openings)/perennial bulbiferous herb/Apr–May/2493–3494 | Low potential to occur. Focused surveys were negative. |
| <i>Asplenium vespertinum</i> | western spleenwort | None/None/4.2 | Chaparral, cismontane woodland, coastal scrub; rocky/perennial rhizomatous herb/Feb–June/591–3281 | Low potential to occur. Focused surveys were negative. |

Mr. Mike Seal

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Table 2
Special-Status Plant Species and their Potential to Occur on Site

| Scientific Name | Common Name | Status: Federal/ State ¹ | Habitat Requirements/ Life Form/Blooming Period/Elevation Range | Status On Site or Potential to Occur |
|---|---------------------------|-------------------------------------|---|---|
| <i>Berberis nevinii</i> | Nevin's barberry | FE/CE/1B.1 | Chaparral, cismontane woodland, coastal scrub, riparian scrub; sandy or gravelly/perennial evergreen shrub/Mar–June/230–2707 | Not expected to occur. Focused surveys were negative and conspicuous evergreen shrub would have been observed if present. |
| <i>Brodiaea filifolia</i> | thread-leaved brodiaea | FT/CE/1B.1 | Chaparral (openings), cismontane woodland, coastal scrub, playas, valley and foothill grassland, vernal pools; often clay/perennial bulbiferous herb/Mar–June/82–3675 | Not expected to occur. Focused surveys were negative and suitable clay soils are absent. |
| <i>Calandrinia breweri</i> | Brewer's calandrinia | None/None/4.2 | Chaparral, coastal scrub; sandy or loamy, disturbed sites and burns/annual herb/Mar–June/33–4003 | Low potential to occur. Focused surveys were negative. |
| <i>Calochortus plummerae</i> | Plummer's mariposa lily | None/None/4.2 | Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, valley and foothill grassland; granitic, rocky/perennial bulbiferous herb/May–July/328–5577 | Low potential to occur. Focused surveys were negative. |
| <i>Chorizanthe leptotheca</i> | Peninsular spineflower | None/None/4.2 | Chaparral, coastal scrub, lower montane coniferous forest; alluvial fan, granitic/annual herb/May–Aug/984–6234 | Low potential to occur. Focused surveys were negative. |
| <i>Chorizanthe parryi</i> var. <i>parryi</i> | Parry's spineflower | None/None/1B.1 | Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland; sandy or rocky, openings/annual herb/Apr–June/902–4003 | Observed throughout the site. |
| <i>Chorizanthe xanti</i> var. <i>leucotheca</i> | white-bracted spineflower | None/None/1B.2 | Coastal scrub (alluvial fans), Mojavean desert scrub, pinyon and juniper woodland; sandy or gravelly/annual herb/Apr–June/984–3937 | Low potential to occur. Focused surveys were negative. |
| <i>Deinandra paniculata</i> | paniculate tarplant | None/None/4.2 | Coastal scrub, valley and foothill grassland, vernal pools; usually vernal mesic, sometimes sandy/annual herb/Apr–Nov/82–3084 | Low potential to occur. Focused surveys were negative. |

Mr. Mike Seal

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Table 2
Special-Status Plant Species and their Potential to Occur on Site

| Scientific Name | Common Name | Status: Federal/ State ¹ | Habitat Requirements/ Life Form/Blooming Period/Elevation Range | Status On Site or Potential to Occur |
|--|----------------------------------|-------------------------------------|---|--|
| <i>Dodecahema leptoceras</i> | slender-horned spineflower | FE/CE/1B.1 | Chaparral, cismontane woodland, coastal scrub (alluvial fan); sandy/annual herb/Apr–June/656–2493 | Low potential to occur. Focused surveys were negative. |
| <i>Dudleya multicaulis</i> | many-stemmed dudleya | None/None/1B.2 | Chaparral, coastal scrub, valley and foothill grassland; often clay/perennial herb/Apr–July/49–2592 | Not expected to occur. Focused surveys were negative and suitable clay soils are absent. |
| <i>Eriastrum densifolium</i> ssp. <i>sanctorum</i> | Santa Ana River woollystar | FE/CE/1B.1 | Chaparral, coastal scrub (alluvial fan); sandy or gravelly/perennial herb/Apr–Sep/299–2001 | Low potential to occur. Focused surveys were negative. |
| <i>Horkelia cuneata</i> var. <i>puberula</i> | mesa horkelia | None/None/1B.1 | Chaparral (maritime), cismontane woodland, coastal scrub; sandy or gravelly/perennial herb/Feb–July (Sep)/230–2657 | Low potential to occur. Focused surveys were negative. |
| <i>Imperata brevifolia</i> | California satintail | None/None/2B.1 | Chaparral, coastal scrub, Mojavean desert scrub, meadows and seeps (often alkali), riparian scrub; mesic/perennial rhizomatous herb/Sep–May/0–3986 | Low potential to occur. Focused surveys were negative. |
| <i>Juglans californica</i> | Southern California black walnut | None/None/4.2 | Chaparral, cismontane woodland, coastal scrub; alluvial/perennial deciduous tree/Mar–Aug/164–2953 | Not expected to occur. Focused surveys were negative and conspicuous tree would have been observed if present. |
| <i>Lepidium virginicum</i> var. <i>robinsonii</i> | Robinson's pepper-grass | None/None/4.3 | Chaparral, coastal scrub/annual herb/Jan–July/3–2904 | Low potential to occur. Focused surveys were negative. |
| <i>Lilium humboldtii</i> ssp. <i>ocellatum</i> | ocellated Humboldt lily | None/None/4.2 | Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, riparian woodland; openings/perennial bulbiferous herb/Mar–July (Aug)/98–5906 | Low potential to occur. Focused surveys were negative. |

Mr. Mike Seal

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Table 2
Special-Status Plant Species and their Potential to Occur on Site

| Scientific Name | Common Name | Status: Federal/ State ¹ | Habitat Requirements/ Life Form/Blooming Period/Elevation Range | Status On Site or Potential to Occur |
|--|--------------------------|-------------------------------------|---|---|
| <i>Lycium parishii</i> | Parish's desert-thorn | None/None/2B.3 | Coastal scrub, Sonoran desert scrub/perennial shrub/Mar–Apr/443–3281 | Not expected to occur. Focused surveys were negative and conspicuous shrub would have been observed if present. |
| <i>Malacothamnus parishii</i> | Parish's bush-mallow | None/None/1A | Chaparral, coastal scrub/perennial deciduous shrub/June–July/1001–1493 | Not expected to occur. Focused surveys were negative and conspicuous shrub would have been observed if present. |
| <i>Monardella macrantha</i> ssp. <i>hallii</i> | Hall's monardella | None/None/1B.3 | Broadleaved upland forest, chaparral, cismontane woodland, lower montane coniferous forest, valley and foothill grassland/perennial rhizomatous herb/June–Oct/2395–7201 | Low potential to occur. Focused surveys were negative. |
| <i>Mucronea californica</i> | California spineflower | None/None/4.2 | Chaparral, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland; sandy/annual herb/Mar–July (Aug)/0–4593 | Low potential to occur. Focused surveys were negative. |
| <i>Pentachaeta aurea</i> ssp. <i>aurea</i> | golden-rayed pentachaeta | None/None/4.2 | Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, riparian woodland, valley and foothill grassland/annual herb/Mar–July/262–6070 | Low potential to occur. Focused surveys were negative. |
| <i>Pickeringia montana</i> var. <i>tomentosa</i> | woolly chaparral-pea | None/None/4.3 | Chaparral; gabbroic, granitic, clay/evergreen shrub/May–Aug/0–5577 | Not expected to occur. Focused surveys were negative and suitable clay, gabbroic or granitic soils are absent. |
| <i>Piperia cooperi</i> | chaparral rein orchid | None/None/4.2 | Chaparral, cismontane woodland, valley and foothill grassland/perennial herb/Mar–June/49–5200 | Low potential to occur. Focused surveys were negative. |

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Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Table 2
Special-Status Plant Species and their Potential to Occur on Site

| Scientific Name | Common Name | Status: Federal/ State ¹ | Habitat Requirements/ Life Form/Blooming Period/Elevation Range | Status On Site or Potential to Occur |
|---|-----------------------------------|--|---|--|
| <i>Scutellaria bolanderi</i> ssp. <i>austromontana</i> | southern mountains skullcap | None/None/1B.2 | Chaparral, cismontane woodland, lower montane coniferous forest; mesic/perennial rhizomatous herb/June– Aug/1394–6562 | Low potential to occur. Focused surveys were negative. |
| <i>Sidalcea hickmanii</i> ssp. <i>parishii</i> | Parish's checkerbloom | None/CR/1B.2 | Chaparral, cismontane woodland, lower montane coniferous forest/perennial herb/June–Aug/3281–8199 | Not expected to occur. The site is located outside of the species' known elevation range. Focused surveys were negative. |
| <i>Streptanthus</i> <i>campestris</i> | southern jewelflower | None/None/1B.3 | Chaparral, lower montane coniferous forest, pinyon and juniper woodland; rocky/perennial herb/(Apr) May– July/2953–7546 | Not expected to occur. The site is located slightly outside of the species' known elevation range. Focused surveys were negative. |
| <i>Symphotrichum</i> <i>defoliatum</i> | San Bernardino aster | None/None/1B.2 | Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic); near ditches, streams, springs/perennial rhizomatous herb/July–Nov/7–6693 | Low potential to occur. Focused surveys were negative and no <i>Symphotrichum</i> species were detected. |

Legend:

FT = federally threatened

FE = federally endangered

CE = state endangered

CRPR = California Rare Plant Rank

CRPR 1A: Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere

CRPR 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere

CRPR 2A: Plants Presumed Extirpated in California, But More Common Elsewhere

CRPR 2B: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

CRPR 3: Plants about which More Information is Needed – A Review List

CRPR 4: Plants of Limited Distribution – A Watch List

.1 Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)

.2 Moderately threatened in California (20–80% occurrences threatened/moderate degree and immediacy of threat)

.3 Not very threatened in California (<20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

Mr. Mike Seal

Subject: 2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California

Parry's Spineflower

Parry's spineflower, a CRPR 1B.1, is an annual herb in the buckwheat family (*Polygonaceae*) that occurs within sandy or rocky openings within coastal scrub, chaparral, cismontane woodland, and valley and foothill grassland and blooms April to June. This species occurs in Los Angeles, Riverside, and San Bernardino Counties between 902 and 4,002 feet (CNPS 2017). The 2017 surveys results in the detection of approximately 4,590 individuals that had not been previously mapped in 2011-2012 (Figure 3). These populations occurred within open areas along upper alluvial terraces throughout the project site.

If you have any questions regarding this report, please contact me at 760.685.1231 or bstrittmater@dudek.com.

Sincerely,



Britney Strittmater
Biologist

Att.: Figures 1-3
Attachment A, Plant Compendium

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Mr. Mike Seal

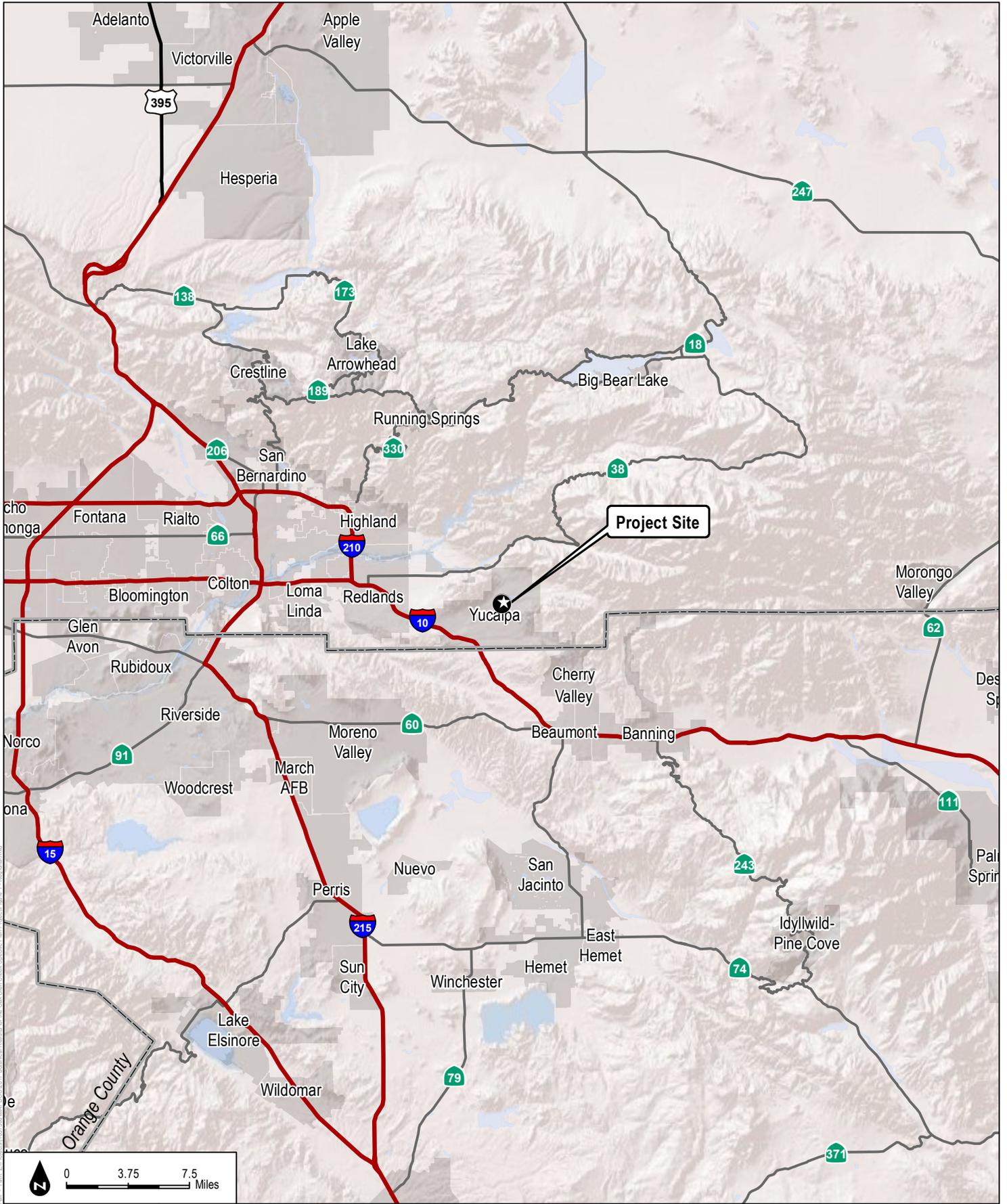
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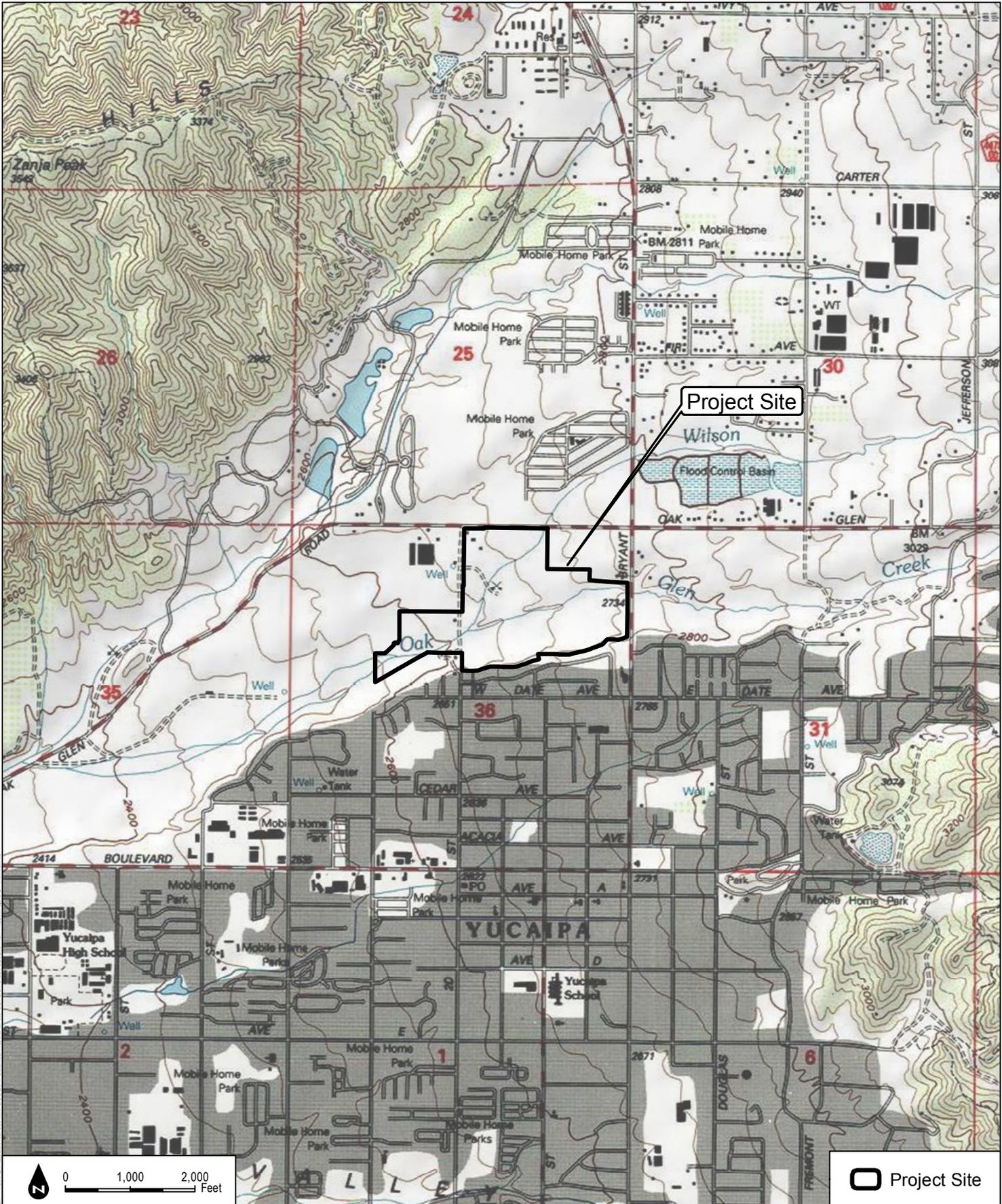


SOURCE: ArcGIS Online Basemap (Shaded Relief)



2017 Botanical Results for the Oak Glen Creek Specific Plan Project

FIGURE 1
Regional Map



SOURCE: ArcGIS Online Basemap (USA Topo) USGS Yucaipa Quadrangle

FIGURE 2
Vicinity Map



2017 Botanical Results for the Oak Glen Creek Specific Plan Project



SOURCE: ArcGIS Online Basemap (Bing)

DUDEK

2017 Botanical Results for the Oak Glen Creek Specific Plan Project

FIGURE 3
Results Map

ATTACHMENT A
Plant Compendium

ATTACHMENT A

Plant Compendium

VASCULAR SPECIES

MONOCOTS

AGAVACEAE—AGAVE FAMILY

Chlorogalum parviflorum—smallflower soap plant

Hesperoyucca whipplei—chaparral yucca

ARECACEAE—PALM FAMILY

* *Washingtonia robusta*—Washington fan palm

LILIACEAE—LILY FAMILY

Calochortus splendens—splendid mariposa lily

POACEAE—GRASS FAMILY

* *Avena fatua*—wild oat

* *Bromus diandrus*—ripgut brome

* *Bromus hordeaceus*—soft brome

* *Bromus madritensis* ssp. *rubens*—red brome

* *Bromus tectorum*—cheatgrass

* *Festuca myuros*—rat-tail fescue

* *Hordeum murinum* ssp. *leporinum*—hare barley

* *Schismus barbatus*—common Mediterranean grass

* *Stipa miliacea* var. *miliacea*—smilgrass

Elymus triticoides—creeping rye grass

EUDICOTS

ADOXACEAE—MUSKROOT FAMILY

Sambucus nigra ssp. *caerulea*—blue elderberry

AGAVACEAE—AGAVE FAMILY

* *Agave americana*—American century plant

APIACEAE—CARROT FAMILY

* *Anthriscus caucalis*—bur chervil

* *Conium maculatum*—poison hemlock

APOCYNACEAE—DOGBANE FAMILY

Asclepias californica—California milkweed

ATTACHMENT A (Continued)

ASTERACEAE—SUNFLOWER FAMILY

- * *Sonchus oleraceus*—common sowthistle
- Ambrosia acanthicarpa*—flatspine bur ragweed
- Artemisia douglasiana*—Douglas' sagewort
- Brickellia californica*—California brickellbush
- Corethrogyne filaginifolia*—common sandaster
- Erigeron canadensis*—Canadian horseweed
- Eriophyllum confertiflorum*—golden-yarrow
- Heterotheca grandiflora*—telegraphweed
- Logfia filaginoides*—California cottonrose
- Pseudognaphalium beneolens*—Wright's cudweed
- Pseudognaphalium californicum*—ladies' tobacco
- Rafinesquia californica*—California plumeseed
- Senecio flaccidus*—threadleaf ragwort
- Stephanomeria exigua* ssp. *exigua*—small wirelettuce
- Stylocline gnaphaloides*—mountain neststraw
- Tetradymia comosa*—hairy horsebrush
- Uropappus lindleyi*—Lindley's silverpuffs
- Baccharis salicifolia* ssp. *salicifolia*—mulefat
- * *Centaurea melitensis*—Maltese star-thistle
- * *Gazania linearis*—treasureflower
- * *Helminthotheca echioides*—bristly oxtongue
- * *Hypochaeris glabra*—smooth cat's ear
- * *Lactuca serriola*—prickly lettuce
- * *Matricaria discoidea*—disc mayweed
- * *Pseudognaphalium luteoalbum*—Jersey cudweed
- * *Senecio vulgaris*—old-man-in-the-Spring
- * *Silybum marianum*—blessed milkthistle
- Encelia farinosa*—brittle bush
- Artemisia californica*—California sagebrush
- Xanthium strumarium*—cocklebur
- Baccharis salicifolia*—mulefat
- Lepidospartum squamatum*—scale broom
- Artemisia dracunculus*—wild tarragon

BORAGINACEAE—BORAGE FAMILY

- Amsinckia menziesii*—Menzies' fiddleneck
- Cryptantha micromeres*—pygmyflower cryptantha
- Emmenanthe penduliflora*—whisperingbells

ATTACHMENT A (Continued)

Eriodictyon trichocalyx var. *trichocalyx*—hairy yerba santa

Eucrypta chrysanthemifolia—spotted hideseed

Pectocarya linearis ssp. *ferocula*—sagebrush combseed

Pectocarya penicillata—sleeping combseed

Phacelia cicutaria var. *hispida*—caterpillar phacelia

Pectocarya linearis—sagebrush combseed

Plagiobothrys nothofulvus—popcorn flower

BRASSICACEAE—MUSTARD FAMILY

* *Sisymbrium irio*—London rocket

* *Hirschfeldia incana*—shortpod mustard

* *Sisymbrium altissimum*—tall tumbledustard

CACTACEAE—CACTUS FAMILY

Cylindropuntia californica var. *parkeri*—brownspined pricklypear

Opuntia × *vaseyi*—Vasey's coastal pricklypear

Opuntia littoralis—coast prickly pear

CAPRIFOLIACEAE—HONEYSUCKLE FAMILY

Lonicera subspicata var. *denudata*—Santa Barbara honeysuckle

CHENOPODIACEAE—GOOSEFOOT FAMILY

Atriplex canescens—fourwing saltbush

Chenopodium californicum—California goosefoot

* *Chenopodium murale*—nettleleaf goosefoot

* *Salsola tragus*—prickly Russian thistle

CONVOLVULACEAE—MORNING-GLORY FAMILY

Cuscuta californica—chaparral dodder

CRASSULACEAE—STONECROP FAMILY

Crassula connata—sand pygmyweed

CUCURBITACEAE—GOURD FAMILY

Cucurbita foetidissima—Missouri gourd

Marah macrocarpa—Cucamonga manroot

EUPHORBIACEAE—SPURGE FAMILY

Croton californicus—California croton

Euphorbia polycarpa—smallseed sandmat

Croton setiger—dove weed

* *Euphorbia maculata*—spotted sandmat

ATTACHMENT A (Continued)

FABACEAE—LEGUME FAMILY

- Acmispon americanus* var. *americanus*—American bird's-foot trefoil
- Acmispon glaber* var. *glaber*—common deerweed
- Acmispon strigosus*—strigose bird's-foot trefoil
- Lupinus bicolor*—miniature lupine
- Lupinus truncatus*—collared annual lupine
- * *Melilotus indicus*—annual yellow sweetclover

FAGACEAE—OAK FAMILY

- Quercus agrifolia* var. *agrifolia*—California live oak
- Quercus berberidifolia*—scrub oak
- Quercus agrifolia*—coast live oak

GERANIACEAE—GERANIUM FAMILY

- * *Erodium cicutarium*—redstem stork's bill

LAMIACEAE—MINT FAMILY

- Salvia apiana*—white sage
- Salvia columbariae*—chia
- Salvia mellifera*—black sage
- * *Marrubium vulgare*—horehound

MYRTACEAE—MYRTLE FAMILY

- * *Eucalyptus globulus*—Tasmanian bluegum

OLEACEAE—OLIVE FAMILY

- * *Olea europaea*—olive

ONAGRACEAE—EVENING PRIMROSE FAMILY

- Camissonia strigulosa*—sandysoil suncup
- Camissoniopsis hirtella*—Santa Cruz Island suncup
- Camissoniopsis micrantha*—miniature suncup
- Clarkia purpurea*—winecup clarkia
- Eulobus californicus*—California suncup

PAEONIACEAE—PEONY FAMILY

- Paeonia californica*—California peony

PHRYMACEAE—LOPSEED FAMILY

- Mimulus brevipes*—widethroat yellow monkeyflower

ATTACHMENT A (Continued)

PLANTAGINACEAE—PLANTAIN FAMILY

- Keckiella cordifolia*—heartleaf keckiella
- Penstemon spectabilis*—showy penstemon

PLATANACEAE—PLANE TREE, SYCAMORE FAMILY

- Platanus racemosa*—California sycamores

POLEMONIACEAE—PHLOX FAMILY

- Gilia angelensis*—chaparral gilia
- Navarretia atractyloides*—hollyleaf pincushionplant

POLYGONACEAE—BUCKWHEAT FAMILY

- Eriogonum gracile* var. *gracile*—slender woolly buckwheat
- Lastarriaea coriacea*—leather spineflower
- Pterostegia drymarioides*—woodland pterostegia
- * *Rumex crispus*—curly dock
- Chorizanthe parryi* var. *parryi*—Parry's spineflower
- Eriogonum fasciculatum*—California buckwheat

RHAMNACEAE—BUCKTHORN FAMILY

- Rhamnus crocea*—redberry buckthorn

ROSACEAE—ROSE FAMILY

- Adenostoma fasciculatum*—chamise
- * *Rubus armeniacus*—Himalayan black berry
- Prunus ilicifolia*—holly leaf cherry

RUBIACEAE—MADDER FAMILY

- Galium aparine*—stickywilly

SALICACEAE—WILLOW FAMILY

- Populus fremontii* ssp. *fremontii*—Fremont cottonwood
- Salix lasiolepis*—arroyo willow
- Salix gooddingii*—black willow
- Salix exigua*—sandbar willow

SCROPHULARIACEAE—FIGWORT FAMILY

- Scrophularia californica*—California figwort
- * *Verbascum thapsus*—common mullein

ATTACHMENT A (Continued)

SIMAROUBACEAE—QUASSIA OR SIMAROUBA FAMILY

- * *Ailanthus altissima*—tree of heaven

SOLANACEAE—NIGHTSHADE FAMILY

- Datura wrightii*—sacred thorn-apple
- Nicotiana quadrivalvis*—Indian tobacco
- Solanum xanti*—chaparral nightshade
- * *Nicotiana glauca*—tree tobacco

TAMARICACEAE—TAMARISK FAMILY

- * *Tamarix ramosissima*—saltcedar

URTICACEAE—NETTLE FAMILY

- Hesperocnide tenella*—western stingingnettle

* signifies introduced (non-native) species

August 11, 2017

10373

Mike Seal
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, California 92399

***Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin
III Specific Plan Project, City of Yucaipa, California***

Dear Mr. Seal:

This letter report documents the results of an update to a delineation of jurisdictional waters for the City of Yucaipa in support of Wilson Basin III Specific Plan Project (proposed project). The proposed project includes flood control improvements, residential development, and land preservation within Wilson Basin III. The project footprint totals approximately 116 acres within the City of Yucaipa, San Bernardino County, California.

A jurisdictional delineation of the project site was conducted by VCS Environmental in 2011 and updated in 2014, which included the approximately 100-acre area of the project site located east of Second Street (VCS 2014). In 2015, an approximately 16-acre area of the project site west of Second Street was delineated by Ruth Villalobos Associates (RVA 2015). The Dudek study area consists of an approximately 44.5-acre area west of Section Street where re-delineation was requested by the California Department of Fish and Wildlife (CDFW) during a March 2017 site visit. This letter report is intended to (1) describe the existing conditions of jurisdictional waters within the study area; (2) quantify impacts to jurisdictional waters that would result from implementation of the proposed project and describe those impacts in terms of significance in view of federal, state, and local laws and policies; and (3) recommend mitigation measures for impacts to jurisdictional waters, if necessary.

1 PROJECT LOCATION

The 44.5-acre study area is located south of Oak Glen Road, west of Bryant Street, east of Second Street, and north of Persimmon Avenue within the City of Yucaipa in San Bernardino County (Figure 1; all figures are provided in Attachment A). The project site is on the U.S. Geological Survey (USGS) 7.5-minute Yucaipa quadrangle, Township 1 South, Range 2 West, Section 36.

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

2 DESCRIPTION

The proposed project involves the construction of flood control improvements within a flood control basin at the confluence of Oak Glen Creek and Wilson Creek. The flood control improvements include construction of a flood control basin and appurtenant channel improvements upstream and downstream of the basin in order to convey 100-year storm event flows. These improvements are anticipated to alleviate downstream flooding by providing sediment capture, groundwater recharge, and water quality improvements. In addition, recreational use is expected within the improvement area.

Wilson Creek and Oak Glen Creek are proposed to enter the newly constructed basin through a triple open channel section with riprap reinforcement. Wilson Creek upstream of the basin would be altered to a base width of 50 feet with 2:1 slope sides.

The proposed project is being constructed as a component of the Oak Glen Creek Specific Plan, which includes residential development, associated flood control and roadway infrastructure improvements, and preservation of open space (City of Yucaipa 2016).

3 REGULATORY BACKGROUND

3.1 Federal Statutes and Regulations – U.S. Army Corps of Engineers

Pursuant to Section 404 of the Clean Water Act, any person or public agency proposing to discharge dredged or fill material into waters of the United States, including jurisdictional wetlands, must obtain a permit (Section 404 permit) from the U.S. Army Corps of Engineers (ACOE). Title 33 of the Code of Federal Regulations, Part 328.3, defines waters of the United States, with an amendment published in the Federal Register on June 29, 2015, effective August 28, 2015. The newly modified Title 33, Section 328.3(a), of the Code of Federal Regulations defines waters of the United States as follows:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. The territorial seas;
4. All impoundments of waters otherwise identified as waters of the United States under this section;

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

5. All tributaries, as defined in this section;
6. All waters adjacent to a water identified in 1 through 5 above;
7. Additional waters (as defined in the section) where they are determined, on a case-specific basis, to have a significant nexus to a water in 1 through 3 above.

For non-tidal waters of the United States, the lateral limits of ACOE jurisdiction extend to the ordinary high water mark (OHWM) when no adjacent wetlands are present. As defined in Title 33 of the Code of Federal Regulations, Section 328.3(c)(6), the OHWM is “that line on the shore established by the fluctuations of water and indicated by physical characteristics such as [a] clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.” If adjacent wetlands are present, the jurisdiction extends to the limit of the wetlands.

Wetlands are “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3). Wetlands are jurisdictional if they meet this definition and the definition of waters of the United States. The ACOE predominantly uses the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (ACOE Regional Supplement; ACOE 2008a) methodology to determine the presence of wetlands. According to the ACOE Regional Supplement (ACOE 2008a), the following three criteria must be satisfied to classify an area as a wetland: (1) a predominance of plant life that is adapted to life in wet conditions (hydrophytic vegetation); (2) soils that saturate, flood, or pond long enough during the growing season to develop anaerobic conditions in the upper part (hydric soils); and (3) permanent or periodic inundation or soils saturation, at least seasonally (wetland hydrology).

U.S. Army Corps of Engineers–Regulated Activities

Under Section 404 of the Clean Water Act, the ACOE regulates activities that involve a discharge of dredged or fill material, including but not limited to grading, placing riprap for erosion control, pouring concrete, laying sod, and stockpiling excavated material into waters of the United States. Activities that generally do not involve a regulated discharge (if performed specifically in a manner to avoid discharges) include driving pilings, providing some drainage channel maintenance activities, and excavating without stockpiling.

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

3.2 State Statutes and Regulations – Regional Water Quality Control Board

The State of California has concurrent jurisdiction with the federal government over Section 401 Water Quality Certification (Section 401 Certification) for jurisdictional waters and wetlands of the United States. Where isolated waters and wetlands (not subject to federal jurisdiction) are involved, the state will exert independent jurisdiction via the Porter-Cologne Water Quality Control Act (Porter-Cologne Act).

Section 401 of the Clean Water Act

Section 401 of the Clean Water Act requires that any applicant for a federal permit for activities that involve a discharge to waters of the United States shall provide the federal permitting agency a certification from the state in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act.

Therefore, in California, before the ACOE will issue a Section 404 permit, applicants must apply for and receive a Section 401 Certification or waiver from the Regional Water Quality Control Board (RWQCB).

Under Section 401 of the Clean Water Act, the RWQCB regulates at the state level all activities that are regulated at the federal level by ACOE.

Porter-Cologne Water Quality Control Act

The RWQCB regulates actions that would involve “discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state” (California Water Code, Section 13260(a)), pursuant to provisions of the state Porter-Cologne Act. “Waters of the state” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (California Water Code, Section 13050(e)).

Under the Porter-Cologne Act, the RWQCB regulates all such activities, as well as dredging, filling, or discharging materials into waters of the state, that are not regulated by the ACOE due to a lack of connectivity with a navigable water body.

3.3 State Statutes and Regulations – California Department of Fish and Wildlife

California Fish and Game Code, Sections 1600–1616, mandates that “it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed,

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity.”

CDFW jurisdiction includes ephemeral, intermittent, and perennial watercourses (including dry washes) and lakes characterized by the presence of (1) definable bed and banks, and (2) existing fish or wildlife resources. Furthermore, CDFW jurisdiction extends to riparian habitat and may include oak woodlands in canyon bottoms. Historical court cases have further extended CDFW jurisdiction to include watercourses that seemingly disappear but reemerge elsewhere. Under the CDFW definition, a watercourse need not exhibit evidence of an OHWM to be claimed as jurisdictional. CDFW does not have jurisdiction over ocean or shoreline resources.

Water features such as vernal pools and other seasonal swales, where the defined bed and bank are absent and the feature is not contiguous or closely adjacent to other jurisdictional features, are generally not asserted to fall within state jurisdiction. The state generally does not assert jurisdiction over human-made water bodies unless they are located where such natural features were previously located or (importantly) where they are contiguous with existing or prior natural jurisdictional areas.

Under California Fish and Game Code, Sections 1600–1616, CDFW has the authority to regulate work that will substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake. CDFW also has the authority to regulate work that will deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. This regulation takes the form of a requirement for a Lake or Streambed Alteration Agreement and is applicable to all federal and nonfederal projects.

4 METHODS

4.1 Literature Review

Potential and/or historic drainages and aquatic features were investigated based on a review of aerial photography (Google Earth 2017), USGS 7.5-minute topographic quadrangle maps (USGS 2017), the U.S. Fish and Wildlife Service’s National Wetlands Inventory database (USFWS 2017), Natural Resources Conservation Service’s Web Soil Survey (USDA 2017), and the U.S. Environmental Protection Agency’s *Watershed Assessment, Tracking & Environmental Results (WATERS)* (EPA 2017), which includes the National Hydrography Dataset. In addition, two previous jurisdictional delineation reports were reviewed and updated for this letter report. The

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

original delineation of the project site was prepared by VCS Environmental in 2014 (VCS 2014) and was then updated and extended by Ruth Villalobos Associates in 2015 (RVA 2015).

4.2 Jurisdictional Delineation

On July 26, 2017, Dudek biologists Anna Cassady and Ryan Henry updated a delineation of jurisdictional waters on the project site for the following types of features:

- Waters of the United States, including wetlands, under the jurisdiction of ACOE, pursuant to Section 404 of the federal Clean Water Act
- Waters of the state under the jurisdiction of the California RWQCB, pursuant to Section 401 of the federal Clean Water Act and the Porter-Cologne Act
- Streambeds under the jurisdiction of CDFW, pursuant to Section 1602 of the California Fish and Game Code

Non-wetland waters of the United States are delineated based on the presence of an OHWM as determined using the methodology in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (ACOE 2008b). Wetland waters of the United States are delineated based on methodology described in the 1987 *Wetlands Delineation Manual* (ACOE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (ACOE 2008a).

All surface flows are waters of the state and delineated at the OHWM, at outer limits of hydrophytic vegetation, or at the outer rim of depressional features, if relevant.

In accordance with the California Fish and Game Code, streambeds are determined based on the presence of a definable bed and bank and are delineated from top of bank to top of bank or the extent of associated riparian vegetation.

A map of the limits of jurisdictional waters from the *Wilson Creek Business Park Specific Plan Jurisdictional Delineation Report* prepared by VCS Environmental in 2014 was reviewed in the field (VCS 2014). All jurisdictional features previously identified were investigated to confirm they matched existing conditions. The entire study area was also walked on foot, and potentially jurisdictional features were delineated using a Global Positioning System handheld unit with sub-meter accuracy. The delineation was completed in support of a Preliminary Approved Determination from the ACOE. Global Positioning System data collected in the field were transferred to geographic information system software and compared with shapefiles from the

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

VCS Environmental jurisdictional delineation. Updates to the boundaries of jurisdictional waters were made where results from the field survey differed from the previous delineation.

Survey conditions are provided in Table 1.

Table 1
Survey Conditions

| Date | Hours | Personnel | Focus | Conditions |
|-----------|-----------|-----------|----------------------------|---------------------------------|
| 7/26/2017 | 0806–1244 | RH, APC | Jurisdictional Delineation | 70°F–89°F, 0% cc, 1–4 mph winds |

RH = Ryan Henry; APC = Anna P. Cassady; °F = degrees Fahrenheit; cc = cloud cover; mph = miles per hour.

5 ENVIRONMENTAL SETTING

The USGS 7.5-minute Yucaipa, California, topographic map was used to identify natural and human-made features occurring within the vicinity of the study area. Information obtained from the map included contour lines, streets, streams, railroad lines, and vegetation. The Yucaipa map was based on 1967 aerial photography that was photo-revised in 1988. The study area was generally mapped as undeveloped land. Glen Oak Road occurs along the northern boundary, and two light arterial roads occur along the western boundary of the project site. Both Wilson Creek and Oak Glen Creek appear as unnamed “blue-line streams” and correspond with the general location of jurisdictional waters identified during Dudek’s investigation and described below. Off site, one well is located immediately adjacent to the western boundary, and a flood control basin associated with Wilson Creek occurs northeast of the project site. No other aquatic features or significant structural features are identified on the map within the study area’s boundaries (USGS 2017).

5.1 Topography

The project site is located in the valley between Yucaipa Peak, Allen Peak, and the base of the San Bernardino Mountains to the east. The area generally slopes from the northeast to the southwest, with surface and subsurface flows trending toward the San Timoteo River, which flows northwest to its confluence with the Santa Ana River. The study area is at approximately 2,660 feet above mean sea level (amsl) at the southwestern end and 2,750 feet amsl at the northeastern end.

5.2 Soils

According to the Natural Resources Conservation Service’s Web Soil Survey (USDA 2017), the project site occurs within the Soil Survey of San Bernardino County, Southwestern Part, California (USDA 2016). Several different soil types are mapped within the study area. These areas are illustrated on Figure 2 and described by the Natural Resources Conservation Service as follows:

- **Tujunga series** are very deep, somewhat excessively drained soils found in alluvial fans and floodplains formed predominantly in alluvium from granitic sources. They occur in elevations from 6 to 1,968 feet amsl. Uncultivated areas yield annual grasses, shrubs, and forbs. This soil series makes up the majority of the northern portion of the project site.
- **Saugus series** are deep, well-drained soils derived predominantly from weakly consolidated sediments. They occur in terraces and foothills at elevations from 600 to 2,500 feet amsl. Uncultivated areas yield chamise and perennial or naturalized grasses. This soil series makes up much of the terrace between Wilson and Oak Glen Creeks.
- **Lithic torriorthents rock outcrops** are rock piles with basalt origin composed of well-drained material with medium runoff. This rock type makes up much of Wilson Creek's floodplain.
- **Greenfield series** are deep, well-drained soils derived predominantly from granitic and mixed-rock sources. They occur in terraces and alluvial fans at elevations from 100 to 3,500 feet amsl. These soils have moderately rapid permeability and slow to medium runoff. Uncultivated areas yield scattered oak trees, annual grasses, forbs, and some shrubs. This soil series makes up a small sliver of the southernmost portion of the project site.

5.3 Hydrology

The study area occurs within the Santa Ana River Watershed (USGS HUC8: 18070203), which extends from the San Bernardino Mountains to the Pacific Ocean (Figure 3). The watershed encompasses all or portions of the Cities of San Bernardino, Riverside, Santa Ana, Anaheim, Tustin, and Orange. Major tributaries within the watershed include Mill Creek, San Timoteo Creek, Temescal Creek/San Jacinto River, Santiago Creek, Bear Creek, City Creek, Lytle Creek, Chino Creek, and numerous storm drains.

Surface flows and nuisance runoff from residential areas within the vicinity are generally transported through flood control structures within the study area from east to west.

5.3.1 National Wetlands Inventory Review

A review of the U.S. Fish and Wildlife Service's National Wetlands Inventory dataset revealed one wetland resource within the study area (USFWS 2017). The following wetland type corresponds with three aquatic resources located within the study area:

- **R4SBC (Riverine, intermittent, streambed, seasonally flooded):** This type of wetland includes natural or artificial channels/streambeds that support flowing water periodically.

Surface water is present for extended periods but absent by the end of the growing season in most years. The water table typically occurs well below the soil surface. This resource was mapped in the central portion of the study area and corresponds with the historic USGS “blue-line stream” alignment of Wilson Creek and Oak Glen Creek.

6 RESULTS

Two main drainages (Wilson Creek and Oak Glen Creek) and their tributaries (Tributary 1 and Tributary 2) were investigated during the assessment. The limits of jurisdictional waters within the study area are illustrated on Figure 4. Representative photographs are provided in Attachment B. Table 2 summarizes the total acreage of jurisdictional waters calculated on the project site by Ruth Villalobos Associates in 2015 (west of Second Street) and Dudek in 2017 (east of Second Street).

Table 2
Total Jurisdictional Waters on Project Site

| Feature | ACOE/RWQCB Non-Wetland Waters (acres) | ACOE/RWQCB Linear Feet | CDFW Unvegetated Streambed (acres) | CDFW Linear Feet |
|--------------------|---------------------------------------|------------------------|------------------------------------|------------------|
| Wilson Creek | 0.45 | 2,227 | 2.03 | 2,227 |
| Tributary 1 | 0.08 | 1,005 | 0.23 | 1,005 |
| Oak Glen Creek | 1.56 | 4,237 | 10.01 | 4,237 |
| Tributary 2 | 0.10 | 789 | 1.54 | 789 |
| Total ¹ | 2.19 | 8,258 | 13.81 | 8,258 |

Source: RVA 2015, as compiled with Dudek data by Dudek in 2017.

Notes: ACOE = U.S. Army Corps of Engineers; RWQCB = Regional Water Quality Control Board; CDFW = California Department of Fish and Wildlife.

¹ Totals may not add due to rounding.

The following descriptions are detailed accounts of the potentially jurisdictional features investigated on the project site. The features are described from their upstream to downstream extent. The wetland indicator status was assigned to each species using the “National Wetland Plant List: 2016 Wetland Ratings” (Lichvar et al. 2016). A summary of the wetland indicator status of each plant species observed within the OHWM is provided for easy reference (Table 3).

Table 3
Summary of Wetland Indicator Status

| Category | Probability |
|----------------------------|--|
| Obligate Wetland (OBL) | Almost always occur in wetlands (estimated probability of >99%) |
| Facultative Wetland (FACW) | Usually occur in wetlands (estimated probability of 67% to 99%) |
| Facultative (FAC) | Equally likely to occur in wetlands/non-wetlands (estimated probability of 34% to 66%) |

Table 3
Summary of Wetland Indicator Status

| Category | Probability |
|---------------------------|--|
| Facultative Upland (FACU) | Usually occur in non-wetlands (estimated probability 67% to 99%) |
| Obligate Upland (UPL) | Almost always occur in non-wetlands (estimated probability >99%) |
| No Indicator (NI) | — |

Source: Lichvar et al. 2016.

6.1 Wilson Creek

Wilson Creek is a natural stream that originates in the San Bernardino Mountains to the north and traverses the study area. The ephemeral drainage receives artificial sources of hydrology from upstream areas that support small areas of standing surface water and saturated soils throughout the study area. The creek converges with Oak Glen Creek on site and Oak Glen Creek discharges to the Santa Ana River approximately 7.5 miles to the southwest. The Santa Ana River flows into the Pacific Ocean, which is approximately 60 miles southwest of the study area.

The creek is characterized by an earthen streambed that ranges in channel morphology from a gentle trapezoidal setting to a box-shaped feature. The upstream, central, and southern portions of the creek appear actively maintained and free of any vegetation. An unimproved dirt road (an extension of Second Street) is located immediately east of the point where Wilson Creek and Oak Glen Creek merge and serves as an impoundment to both drainages. The OHWM was primarily continuous throughout the study area and ranged from 4 to 25 feet in width. The CDFW jurisdictional width encompassed the lateral extent of unvegetated wash, mulefat, and southern cottonwood riparian vegetation communities within the study area and ranged from 15 to 70 feet. The average ACOE width was 15 feet, and the average CDFW width was 43 feet.

The Wilson Creek streambed was largely unvegetated; however, dominant species along the channel that characterized the overstory in the upper portion included Fremont cottonwood (*Populus fremontii*; FACW) and red willow (*Salix laevigata*; FACW). The shrub layer was dominated by California buckwheat (*Eriogonum fasciculatum*; NI) and scalebroom (*Lepidospartum squamatum*; FACU), and the herbaceous layer was largely absent. Species within the adjacent uplands included California buckwheat, scalebroom, ripgut grass (*Bromus diandrus*), foxtail barley (*Hordeum murinum*), yerba santa (*Eriodictyon trichocalyx*), California sagebrush (*Artemisia californica*), and common horehound (*Marrubium vulgare*). A representative photograph of the drainage is provided in Attachment B.

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

One data station was established along Wilson Creek because of changes in the vegetation community (southern cottonwood riparian woodland) and the presence of hydrologic indicators (Attachment C, Data Sheet 2). One soil pit was excavated at the northernmost transect to determine its jurisdictional status. Soil within the test pit consisted of sand from 0 to 11 inches below ground surface (refusal at rock) with a color of 2.5Y 5/4 in the *Munsell Soil Color Charts* (Munsell Color 1994). This soil does not meet the definition of a hydric soil and therefore does not meet the ACOE definition of a jurisdictional wetland.

One tributary (Tributary 1) that originates in the central portion of the study area and merges with Wilson Creek is described below.

Tributary 1

Tributary 1 is a small, ephemeral drainage that receives hydrologic inputs from the surrounding upland and graded areas adjacent to the study area. The tributary is characterized by an incised, box-shaped earthen streambed containing large gravel, cobbles, and coarse sand that is unvegetated. Dominant vegetation within the uplands adjacent to the tributary includes California buckwheat and scalebroom. Closer to Wilson Creek, the tributary narrows and becomes relatively flat. The OHWM ranges from 2 to 6 feet in width, and the CDFW jurisdictional streambed ranges from 2 to 21 feet in width. A representative photograph of the tributary is provided in Attachment B.

6.2 Oak Glen Creek

Oak Glen Creek is a natural, earthen stream that also originates in the San Bernardino Mountains to the north and traverses the study area from east to west. Like Wilson Creek, Oak Glen Creek is an ephemeral drainage that receives artificial sources of hydrology from upstream areas and supports small areas of standing surface water and saturated soils throughout the study area. The creek eventually merges with the Santa Ana River approximately 7.5 miles to the south, which flows into the Pacific Ocean approximately 60 miles southwest of the study area.

The creek is characterized by an earthen streambed that has a trapezoidal channel morphology. The upstream, central, and southern portions of the creek appear actively maintained and free of any vegetation. An unimproved dirt road (an extension of Second Street) is located immediately east of the point where Wilson Creek and Oak Glen Creek merge and serves as an impoundment to both drainages. The OHWM was primarily continuous throughout the study area and ranged from 4 to 9 feet in width. The CDFW jurisdictional width encompassed the lateral extent of unvegetated wash, mulefat, and southern cottonwood riparian vegetation

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

communities within the study area, and ranged from 16 to 82 feet. The average ACOE width was 7 feet, and the average CDFW width was 49 feet.

The Oak Glen Creek streambed was largely unvegetated; however, dominant species along the channel that characterized the overstory in the upper portion included Fremont cottonwood (FACW) and red willow (FACW). The shrub layer was dominated by California buckwheat (NI) and scalebroom (FACU), and the herbaceous layer was largely absent. Species within the adjacent uplands included California buckwheat, scalebroom, riggut grass, foxtail barley, yerba santa, California sagebrush, and common horehound. A representative photograph of the drainage is provided in Attachment B.

Two data stations were established along Oak Glen Creek because of changes in the vegetation community (southern sycamore riparian woodland) and the presence of hydrologic indicators (Attachment C, Data Sheets 1 and 3). A soil pit that was excavated at the westernmost transect (Data Sheet 1) determined Oak Glen Creek's jurisdictional status but not at the easternmost transect (Data Sheet 3) because of a lack of dominant hydrophytic vegetation. Similar to Wilson Creek, soils within the test pit consisted of sand from 0 to 11 inches below ground surface (refusal at rock) with a color of 2.5Y 5/4 in the *Munsell Soil Color Charts* (Munsell Color 1994). This soil does not meet the definition of a hydric soil, and therefore, does not meet the ACOE definition of a jurisdictional wetland.

One tributary (Tributary 2) that originates in the central portion of the study area and merges with Oak Glen Creek is described below.

Tributary 2

Tributary 2 is an ephemeral tributary to Oak Glen Creek that receives hydrologic inputs from anthropogenic sources (blow-off pipe and well), as well as the surrounding upland and graded areas north of the study area. The tributary is characterized by an incised, earthen streambed containing cobbles and coarse sand that has a trapezoidal channel morphology. The streambed supports upland species such as mulefat, red brome (*Bromus madritensis rubens*), Maltese star-thistle (*Centaurea melitensis*), and branching phacelia (*Phacelia ramosissima*). Dominant vegetation within the uplands adjacent to the tributary includes western sycamores, California buckwheat, scalebroom, riggut grass, foxtail barley, California sagebrush, and common horehound. The OHWM ranges from 4 to 10 feet in width, and the CDFW jurisdictional streambed ranges from 26 to 120 feet in width. A representative photograph of the tributary is provided in Attachment B.

Mr. Mike Seal

Subject: Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California

7 IMPACTS

The proposed project involves the creation of Wilson Basin III, residential development, and the preservation of open space. This includes the creation of a flood control basin at the confluence of Wilson Creek and Oak Glen Creek. In addition, there will be appurtenant channel improvements upstream and downstream of the basin in order to convey flows from a 100-year storm. Wilson Creek, upstream of the basin, will be reshaped to be an open trapezoidal channel with a base width of 50 feet and 2:1 side slopes. Grade stabilization structures will be intermittently spaced throughout the stream, and a combination of drop structures and rock slope armoring will be used for channel protection. The realignment of Wilson Creek and Oak Glen Creek is expected to enter the new basin through a triple open channel section reinforced with riprap. Implementation of the proposed project would result in the following impacts to federal and state waters summarized in Table 4 and depicted on Figure 5.

Table 4
Jurisdictional Waters Delineation Impacts Summary

| Feature | ACOE/RWQCB Non-Wetland Waters (acres) | ACOE/RWQCB (linear feet) | CDFW Unvegetated Streambed (acres) | CDFW (linear feet) |
|--------------------|---------------------------------------|--------------------------|------------------------------------|--------------------|
| Wilson Creek | 0.44 | 2,227 | 2.09 | 2,227 |
| Tributary 1 | 0.08 | 1,005 | 0.22 | 1,005 |
| Oak Glen Creek | 1.10 | 2,892 | 5.62 | 2,892 |
| Tributary 2 | 0.03 | 246 | 0.20 | 246 |
| Total ¹ | 1.65 | 6,370 | 8.13 | 6,370 |

Notes: ACOE = U.S. Army Corps of Engineers; RWQCB = Regional Water Quality Control Board; CDFW = California Department of Fish and Wildlife.

¹ Acreage may not total due to rounding.

The previous delineation completed by VCS in 2014 resulted in 1.86 acres of impacts to ACOE/RWQCB non-wetland waters of the United States and 6.98 acres of impacts to jurisdictional streambed regulated by CDFW (City of Yucaipa 2016). The 2017 delineation update conducted by Dudek resulted in 1.65 acres of ACOE/RWQCB non-wetland waters of the United States and 8.13 acres of impacts to jurisdictional streambed regulated by CDFW. The increase in impacts to jurisdictional streambed is due to an extension of the top of bank boundary in the upstream reaches of Wilson Creek and Oak Glen Creek. The minor reduction in ACOE/RWQCB non-wetland waters of the United States is because of a slight decrease in the OHWM width within a segment of the channel just east of Second Street.

Mr. Mike Seal

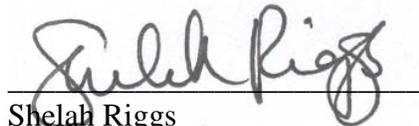
Subject: *Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California*

8 CONCLUSIONS

The proposed project would result in impacts to waters of the United States and waters of the state. The ACOE requires a Section 404 permit pursuant to Section 404 of the Clean Water Act prior to discharging fill into a water of the United States. The impacts to federal waters associated with the proposed project exceed the thresholds of the Section 404 Nationwide Permit Program, which is typically 0.5 acres of permanent impacts. Therefore, issuance of an Individual Permit under Section 404 of the Clean Water Act is expected to be required. A Section 401 Certification is required from the RWQCB pursuant to Section 401 of the Clean Water Act for any federal action, including a Section 404 permit. A notification of a Streambed Alteration Agreement to CDFW would be required prior to modification of jurisdictional streambeds.

If you have any questions or comments regarding the content of this letter report, please do not hesitate to contact me via telephone at 951.300.2100 or email at sriggs@dudek.com.

Sincerely,



Shelah Riggs
Senior Regulatory Specialist

Att: A: Figures 1–5
B: Photo Documentation
C: Data Sheets

9 REFERENCES CITED

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Mr. Mike Seal

Subject: *Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California*

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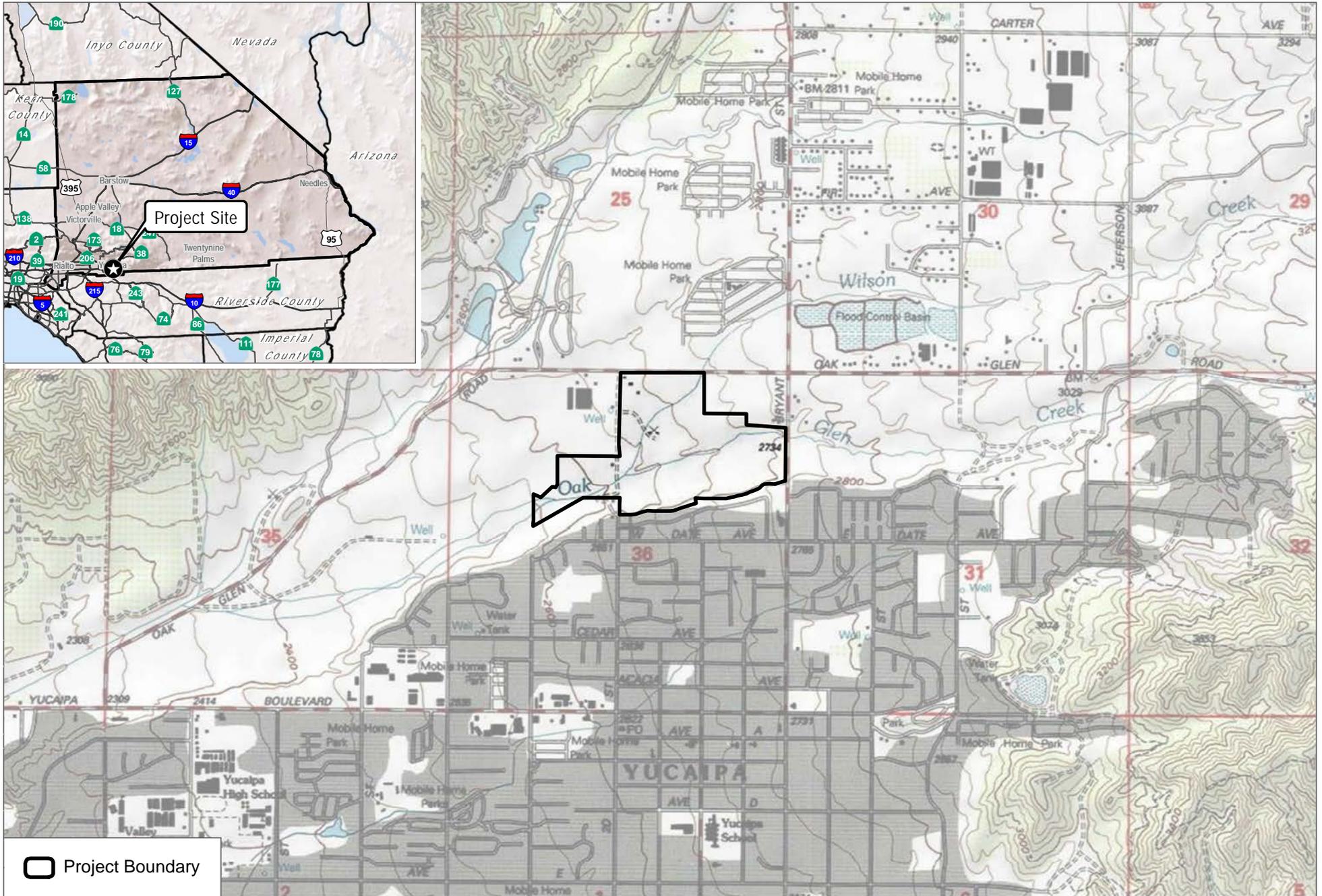
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ATTACHMENT A
Figures 1-5



SOURCE: USGS 7.5-Minute Series Yucaipa Quadrangle



FIGURE 1

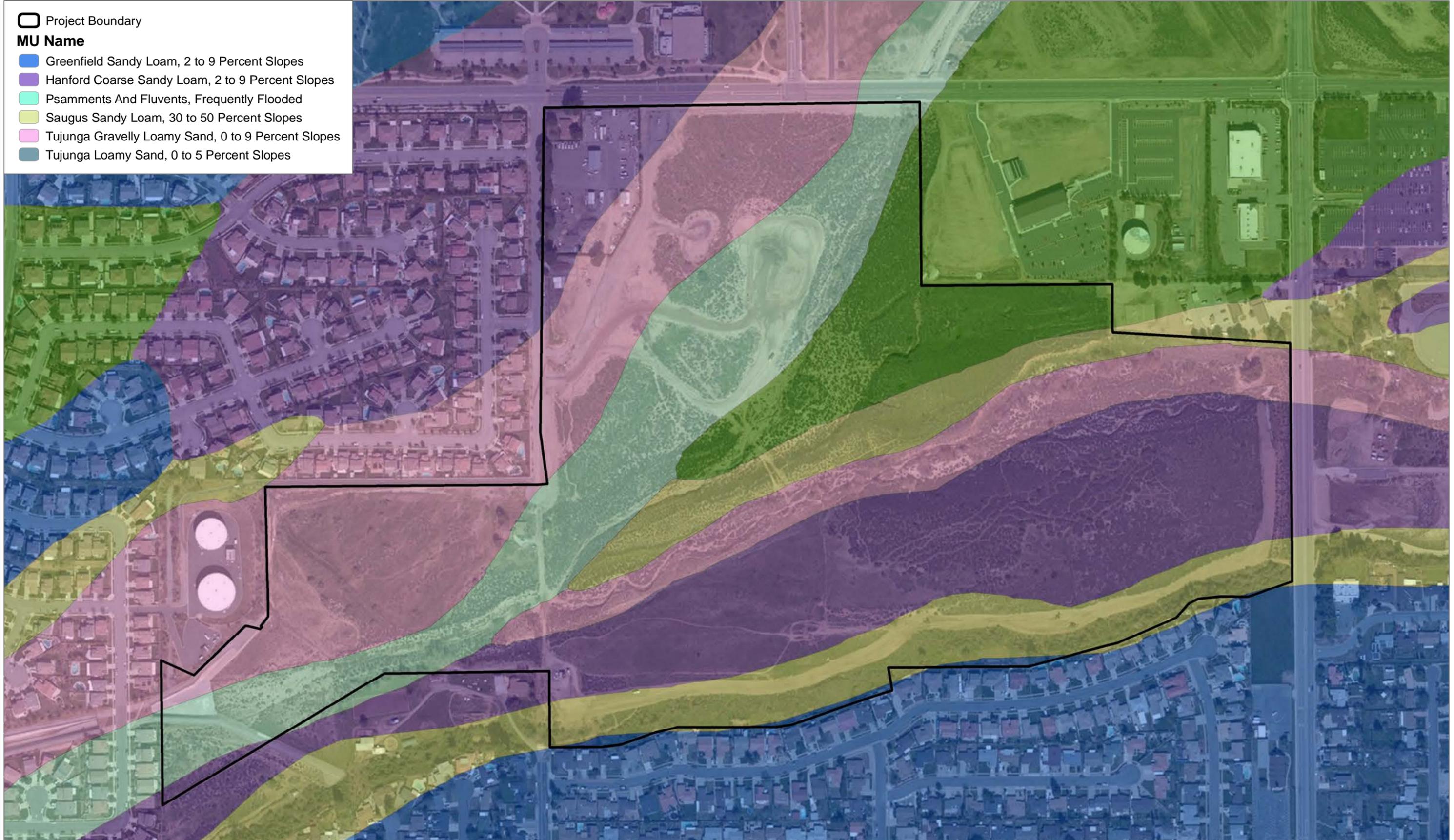
Project Location

City of Yucaipa On-Call - Wilson Basin III

Project Boundary

MU Name

- Greenfield Sandy Loam, 2 to 9 Percent Slopes
- Hanford Coarse Sandy Loam, 2 to 9 Percent Slopes
- Psamments And Fluvents, Frequently Flooded
- Saugus Sandy Loam, 30 to 50 Percent Slopes
- Tujunga Gravelly Loamy Sand, 0 to 9 Percent Slopes
- Tujunga Loamy Sand, 0 to 5 Percent Slopes

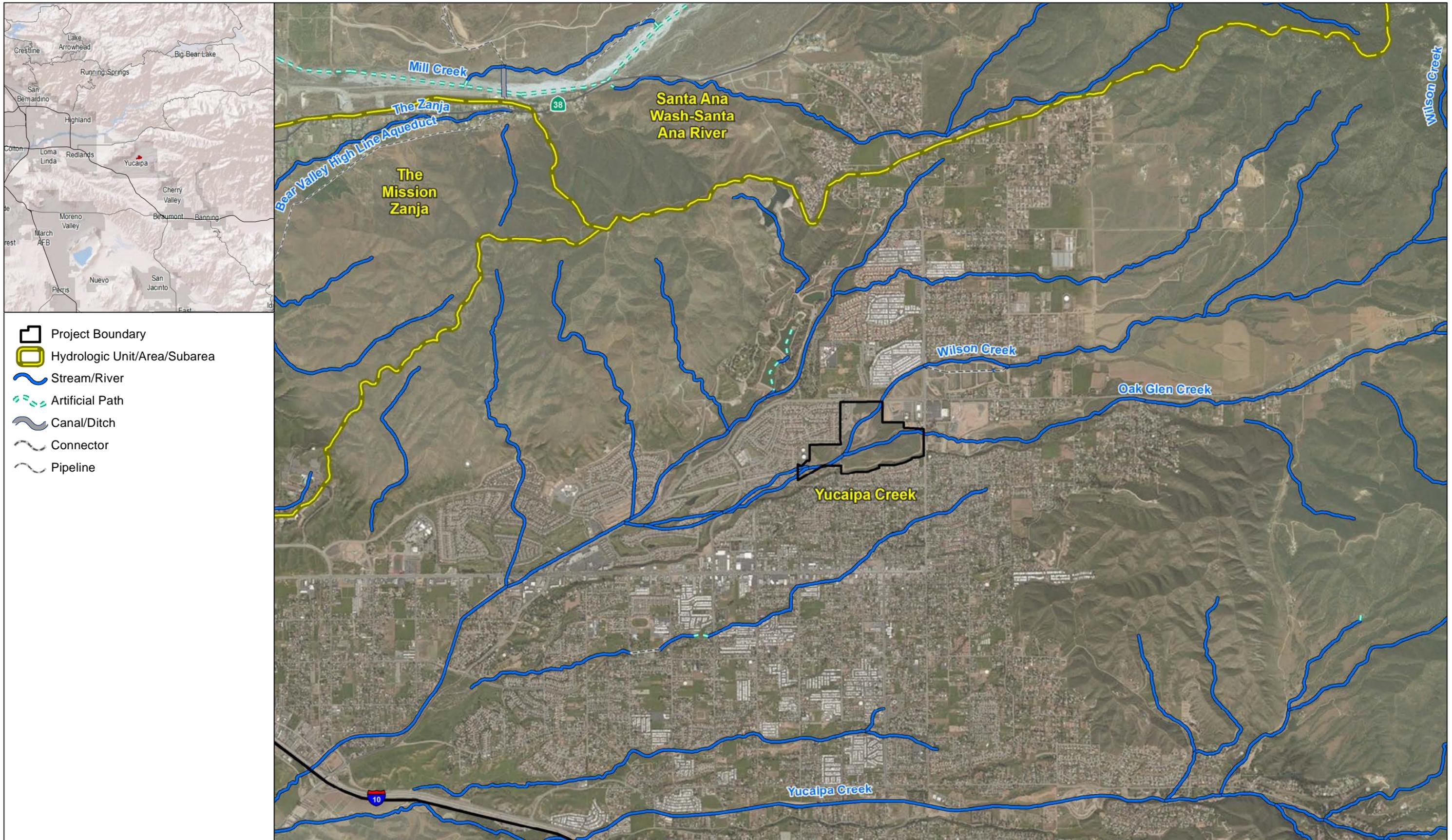


SOURCE: Bing Maps, 2017; USDA, 2017



FIGURE 2
Soils Map

City of Yucaipa On-Call - Wilson Basin III

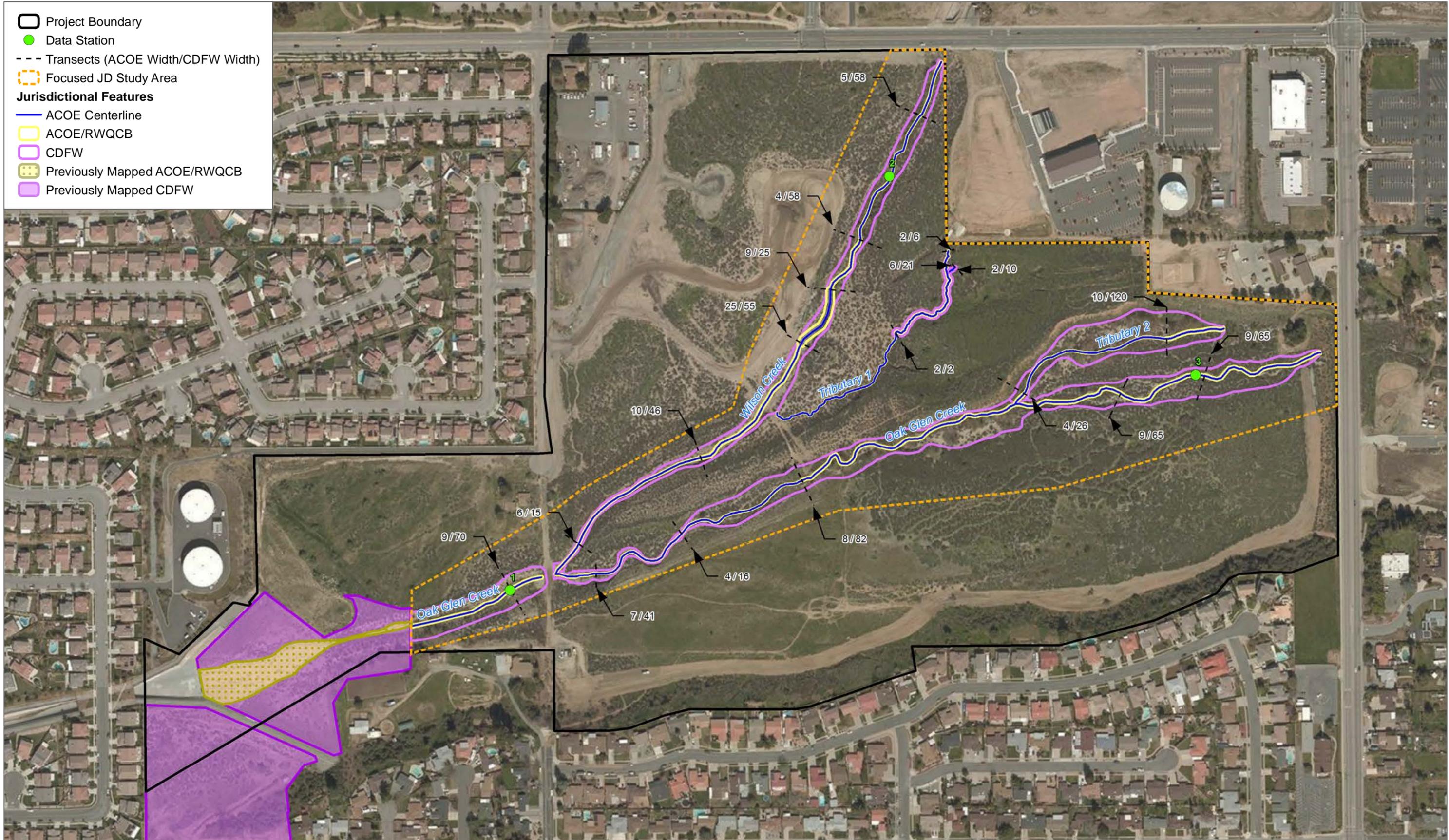


SOURCE: Bing Map, USGS NHD 2016



FIGURE 3
Hydrology Map

City of Yucaipa On-Call - Wilson Basin III



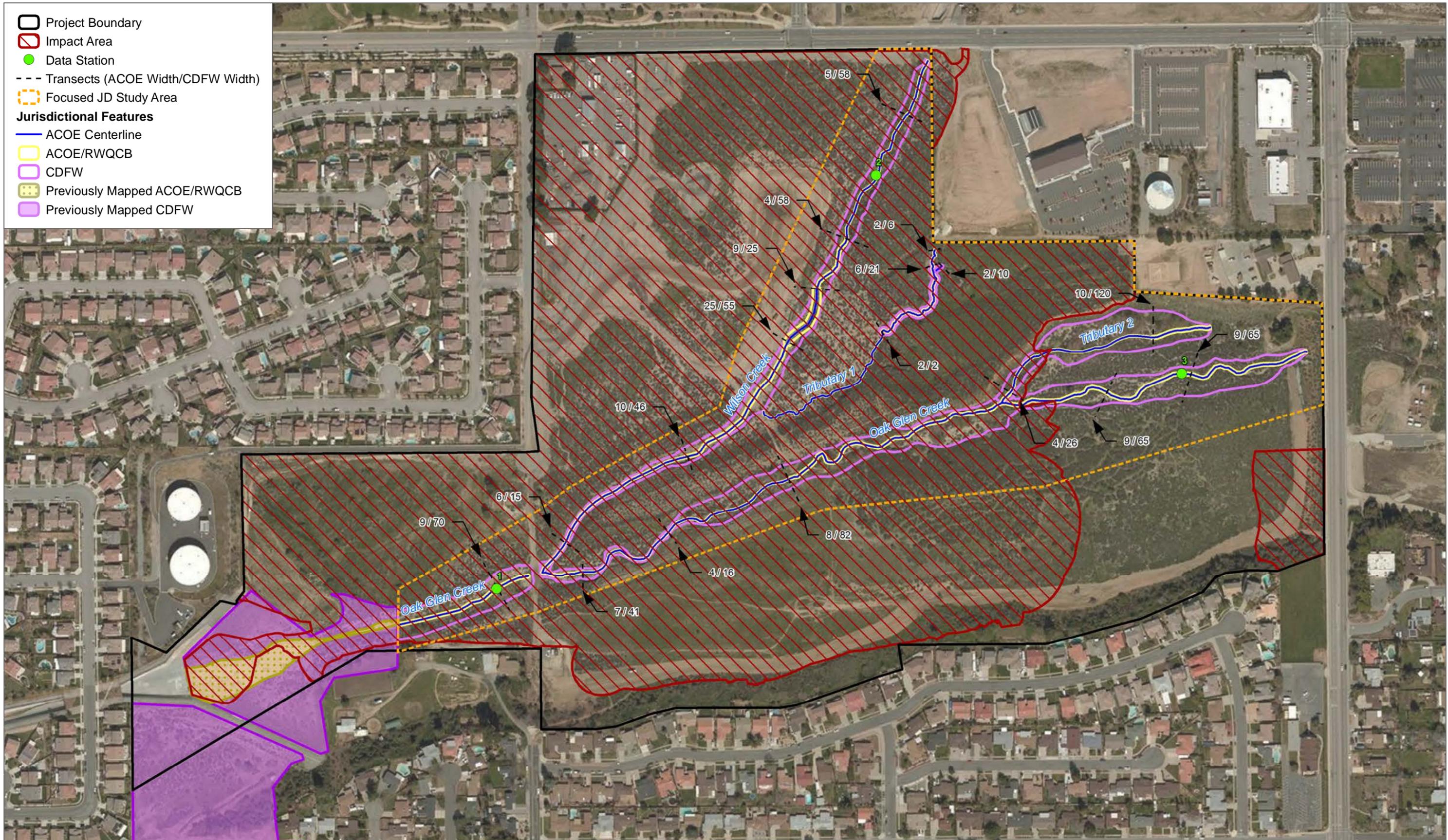
SOURCE: Bing Maps, 2017.



FIGURE 4

Jurisdictional Delineation Results Map

City of Yucaipa On-Call - Wilson Basin III



SOURCE: Bing Maps, 2017.

FIGURE 5
Impacts Map

ATTACHMENT B
Photo Documentation

 Photo Location, Direction
 Project Boundary



SOURCE: Bing Maps, 2017.





ATTACHMENT B

Photo Documentation



Location 1: Example of unvegetated channel in downstream reach of Wilson Creek – facing southwest.



Location 2: Vegetated banks in downstream reach of Wilson Creek – facing northeast.



Location 3: Upstream reach of Wilson Creek – facing southwest.



Location 4: Example of top of bank in upstream reach of Wilson Creek – facing northeast.

ATTACHMENT B (Continued)



Location 5: Incised banks in upstream reach of Tributary 1 – facing south.



Location 6: Tributary 1 flattens out as it approaches Wilson Creek – facing southwest.



Location 7: Downstream reach of Oak Glen Creek – facing west.



Location 8: View upstream of vegetated banks of Oak Glen Creek– facing northeast.

ATTACHMENT B (Continued)



Location 9: Upstream reach of Oak Glen Creek – facing southwest.



Location 10: Streambed overview of upstream reach of Oak Glen Creek – facing southwest.



Location 11: Ephemeral drainage of Tributary 2 – facing east.



Location 12: Upstream reach of Tributary 2 – facing west.

ATTACHMENT B (Continued)

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ATTACHMENT C
Data Sheets

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Wilson III City/County: Yucaipa/San Bernardino Sampling Date: 07/26/2017
 Applicant/Owner: City of Yucaipa State: CA Sampling Point: #1 (GOT1)
 Investigator(s): R. Henry, A. Cassidy Section, Township, Range: 31, T1S, R1 and 2W
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): C - Mediterranean California Lat: 34.043460 Long: -117.043569 Datum: NAD83
 Soil Map Unit Name: Psamments, fluvents and frequently flooded soils (Ps) NWI classification: R4SBC

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation Soil or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation Soil or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

| | |
|---|--|
| Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input checked="" type="radio"/> No <input type="radio"/> | Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/> |
| Remarks: <u>Data station established on active terrace within OHWM</u> | |

VEGETATION

| Tree Stratum (Use scientific names.) | Absolute % Cover | Dominant Species? | Indicator Status | Dominance Test worksheet: | |
|---|------------------|---------------------------------|------------------|--|-----------------|
| 1. <i>Populus fremontii</i> | 60 | Yes | FACW | Number of Dominant Species That Are OBL, FACW, or FAC: | 1 (A) |
| 2. <i>Salix laevigata</i> | 20 | No | FACW | Total Number of Dominant Species Across All Strata: | 3 (B) |
| 3. _____ | | | | Percent of Dominant Species That Are OBL, FACW, or FAC: | 33.3 % (A/B) |
| 4. _____ | | | | | |
| Total Cover: | | | 80 % | | |
| Sapling/Shrub Stratum | Absolute % Cover | Dominant Species? | Indicator Status | Prevalence Index worksheet: | |
| 1. <i>Lepidospartum squamatum</i> | 10 | No | FACU | | |
| 2. <i>Eriogonum fasciculatum</i> | 40 | Yes | NI | OBL species | x 1 = 0 |
| 3. <i>Baccharis salicifolia</i> | 10 | No | FAC | FACW species | 80 x 2 = 160 |
| 4. _____ | | | | FAC species | 12 x 3 = 36 |
| 5. _____ | | | | FACU species | 10 x 4 = 40 |
| Total Cover: | | | 60 % | UPL species | 50 x 5 = 250 |
| Herb Stratum | Absolute % Cover | Dominant Species? | Indicator Status | Column Totals: | 152 (A) 486 (B) |
| 1. <i>Acmispon glaber</i> | 10 | Yes | NI | Prevalence Index = B/A = 3.20 | |
| 2. _____ | | | | Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input checked="" type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present. | |
| 3. _____ | | | | | |
| 4. _____ | | | | | |
| 5. _____ | | | | | |
| 6. _____ | | | | | |
| 7. _____ | | | | | |
| 8. _____ | | | | | |
| Total Cover: | | | 10 % | | |
| Woody Vine Stratum | Absolute % Cover | Dominant Species? | Indicator Status | Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> | |
| 1. <i>Rubus ursinus</i> | 2 | No | FAC | | |
| 2. _____ | | | | | |
| Total Cover: | | | 2 % | | |
| % Bare Ground in Herb Stratum <u>90 %</u> | | % Cover of Biotic Crust _____ % | | | |

Remarks: Data station occurs within small pocket of southern cottonwood riparian woodland. Vegetation appears to be supported by artificial/anthropogenic sources upstream.

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Wilson III City/County: Yucaipa/San Bernardino Sampling Date: 07/26/2017
 Applicant/Owner: City of Yucaipa State: CA Sampling Point: #2 (WCT5)
 Investigator(s): R. Henry, A. Cassidy Section, Township, Range: 31, T1S, R1 and 2W
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): C - Mediterranean California Lat: 34.046554 Long: -117.039789 Datum: NAD83
 Soil Map Unit Name: Psamments, fluvents and frequently flooded soils (Ps) NWI classification: R4SBC

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation Soil or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation Soil or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

| | |
|---|--|
| Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input checked="" type="radio"/> No <input type="radio"/> | Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/> |
| Remarks: <u>Data station established on active terrace within OHWM</u> | |

VEGETATION

| Tree Stratum (Use scientific names.) | Absolute % Cover | Dominant Species? | Indicator Status | Dominance Test worksheet: | |
|---|------------------|---|------------------|---|-----------------|
| 1. <i>Populus fremontii</i> | 50 | Yes | FACW | Number of Dominant Species That Are OBL, FACW, or FAC: | 2 (A) |
| 2. | | | | Total Number of Dominant Species Across All Strata: | 5 (B) |
| 3. | | | | Percent of Dominant Species That Are OBL, FACW, or FAC: | 40.0 % (A/B) |
| 4. | | | | | |
| Total Cover: | | | 50 % | | |
| Sapling/Shrub Stratum | Absolute % Cover | Dominant Species? | Indicator Status | Prevalence Index worksheet: | |
| 1. <i>Lepidospartum squamatum</i> | 30 | Yes | FACU | | |
| 2. <i>Eriogonum fasciculatum</i> | 30 | Yes | NI | OBL species | x 1 = 0 |
| 3. <i>Baccharis salicifolia</i> | 60 | Yes | FAC | FACW species | 52 x 2 = 104 |
| 4. | | | | FAC species | 60 x 3 = 180 |
| 5. | | | | FACU species | 30 x 4 = 120 |
| Total Cover: | | | 120 % | UPL species | 35 x 5 = 175 |
| | | | | Column Totals: | 177 (A) 579 (B) |
| | | | | Prevalence Index = B/A = | 3.27 |
| Herb Stratum | Absolute % Cover | Dominant Species? | Indicator Status | Hydrophytic Vegetation Indicators: | |
| 1. <i>Cyperus sp.</i> | 2 | No | FACW | | |
| 2. <i>Datura wrightii</i> | 5 | Yes | UPL | <input checked="" type="checkbox"/> Prevalence Index is ≤3.0 ¹ | |
| 3. | | | | <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) | |
| 4. | | | | <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| Total Cover: | | | 7 % | | |
| Woody Vine Stratum | Absolute % Cover | Dominant Species? | Indicator Status | Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> | |
| 1. | | | | | |
| 2. | | | | | |
| Total Cover: | | | % | | |
| % Bare Ground in Herb Stratum <u>50 %</u> | | % Cover of Biotic Crust <u> </u> % | | | |

Remarks: Data station occurs within small pocket of southern cottonwood riparian woodland. Vegetation appears to be supported by artificial/anthropogenic sources upstream.

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Wilson III City/County: Yucaipa/San Bernardino Sampling Date: 07/26/2017
 Applicant/Owner: City of Yucaipa State: CA Sampling Point: #3 (GOT5)
 Investigator(s): R. Henry, A. Cassidy Section, Township, Range: 31, T1S, R1 and 2W
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): C - Mediterranean California Lat: 34.045179 Long: -117.037006 Datum: NAD83
 Soil Map Unit Name: Tujunga gravelly loamy sand, 0 to 9 percent slopes (TvC) NWI classification: R4SBC

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation Soil or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation Soil or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

| | |
|---|--|
| Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input checked="" type="radio"/> No <input type="radio"/> | Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/> |
| Remarks: <u>Data station established on active terrace within OHWM</u> | |

VEGETATION

| Tree Stratum (Use scientific names.) | Absolute % Cover | Dominant Species? | Indicator Status | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------|-----------------------------------|------------------|---|-------------------|--|--------------|--|-------------|----|-------|----|--------------|---|-------|---|-------------|----|-------|-----|--------------|----|-------|-----|-------------|----|-------|-----|----------------|-----|-----|---------|--------------------------|--|--|--|------|
| 1. <i>Ailanthus altissima</i> | 50 | Yes | FACU | Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A) Total Number of Dominant Species Across All Strata: 4 (B) Percent of Dominant Species That Are OBL, FACW, or FAC: 25.0 % (A/B) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Cover: | 50 % | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sapling/Shrub Stratum | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. <i>Lepidospartum squamatum</i> | 10 | No | FACU | Prevalence Index worksheet: <table style="width:100%; border-collapse: collapse;"> <tr> <td align="center" colspan="2">Total % Cover of:</td> <td align="center" colspan="2">Multiply by:</td> </tr> <tr> <td>OBL species</td> <td align="center" style="background-color: #cccccc;">60</td> <td align="center">x 1 =</td> <td align="center" style="background-color: #cccccc;">60</td> </tr> <tr> <td>FACW species</td> <td align="center" style="background-color: #cccccc;">0</td> <td align="center">x 2 =</td> <td align="center" style="background-color: #cccccc;">0</td> </tr> <tr> <td>FAC species</td> <td align="center" style="background-color: #cccccc;">60</td> <td align="center">x 3 =</td> <td align="center" style="background-color: #cccccc;">180</td> </tr> <tr> <td>FACU species</td> <td align="center" style="background-color: #cccccc;">60</td> <td align="center">x 4 =</td> <td align="center" style="background-color: #cccccc;">240</td> </tr> <tr> <td>UPL species</td> <td align="center" style="background-color: #cccccc;">40</td> <td align="center">x 5 =</td> <td align="center" style="background-color: #cccccc;">200</td> </tr> <tr> <td>Column Totals:</td> <td align="center" style="background-color: #cccccc;">160</td> <td align="center">(A)</td> <td align="center" style="background-color: #cccccc;">620 (B)</td> </tr> <tr> <td align="center" colspan="4">Prevalence Index = B/A =</td> <td align="center" style="background-color: #cccccc;">3.88</td> </tr> </table> | Total % Cover of: | | Multiply by: | | OBL species | 60 | x 1 = | 60 | FACW species | 0 | x 2 = | 0 | FAC species | 60 | x 3 = | 180 | FACU species | 60 | x 4 = | 240 | UPL species | 40 | x 5 = | 200 | Column Totals: | 160 | (A) | 620 (B) | Prevalence Index = B/A = | | | | 3.88 |
| Total % Cover of: | | Multiply by: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OBL species | 60 | x 1 = | 60 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FACW species | 0 | x 2 = | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FAC species | 60 | x 3 = | 180 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FACU species | 60 | x 4 = | 240 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| UPL species | 40 | x 5 = | 200 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Column Totals: | 160 | (A) | 620 (B) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prevalence Index = B/A = | | | | 3.88 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. <i>Eriogonum fasciculatum</i> | 30 | Yes | NI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. <i>Baccharis salicifolia</i> | 60 | Yes | FAC | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Cover: | 100% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Herb Stratum | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. <i>Acmispon glaber</i> | 10 | Yes | NI | Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input checked="" type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Cover: | 10 % | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Woody Vine Stratum | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. | | | | Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Cover: | % | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| % Bare Ground in Herb Stratum <u>70 %</u> | | % Cover of Biotic Crust <u> %</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Remarks: Data station occurs within mixed sagebrush scrub. Streambed is generally unvegetated, but species present appear to be supported by artificial/anthropogenic sources upstream.

SOIL

Sampling Point: #3 (GOT)

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

| Depth (inches) | Matrix | | Redox Features | | | | Texture ³ | Remarks |
|-------------------|---------------|---|----------------|---|-------------------|------------------|----------------------|---------|
| | Color (moist) | % | Color (moist) | % | Type ¹ | Loc ² | | |
| | | | | | | | | |
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| | | | | | | | | |

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.
³Soil Textures: Clay, Silty Clay, Sandy Clay, Loam, Sandy Clay Loam, Sandy Loam, Clay Loam, Silty Clay Loam, Silt Loam, Silt, Loamy Sand, Sand.

| | | | | |
|--|--|---|--|--|
| Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) <input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Stratified Layers (A5) (LRR C) <input type="checkbox"/> 1 cm Muck (A9) (LRR D) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> Sandy Gleyed Matrix (S4) | | <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8) <input type="checkbox"/> Vernal Pools (F9) | | Indicators for Problematic Hydric Soils:⁴ <input type="checkbox"/> 1 cm Muck (A9) (LRR C) <input type="checkbox"/> 2 cm Muck (A10) (LRR B) <input type="checkbox"/> Reduced Vertic (F18) <input type="checkbox"/> Red Parent Material (TF2) <input type="checkbox"/> Other (Explain in Remarks) |
|--|--|---|--|--|

⁴Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: Soil pit not excavated due to lack of a dominance of hydrophytic vegetation

HYDROLOGY

| | | | |
|--|---|--|-------------------------|
| Wetland Hydrology Indicators: Primary Indicators (any one indicator is sufficient) | | Secondary Indicators (2 or more required) | |
| <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) (Nonriverine) <input type="checkbox"/> Sediment Deposits (B2) (Nonriverine) <input type="checkbox"/> Drift Deposits (B3) (Nonriverine) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9) | <input type="checkbox"/> Salt Crust (B11) <input type="checkbox"/> Biotic Crust (B12) <input type="checkbox"/> Aquatic Invertebrates (B13) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6) <input type="checkbox"/> Other (Explain in Remarks) | <input checked="" type="checkbox"/> Water Marks (B1) (Riverine) <input checked="" type="checkbox"/> Sediment Deposits (B2) (Riverine) <input type="checkbox"/> Drift Deposits (B3) (Riverine) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) | _____ _____ _____ |

Field Observations:

| | | | |
|--|---------------------------|-------------------------------------|-----------------------|
| Surface Water Present? | Yes <input type="radio"/> | No <input checked="" type="radio"/> | Depth (inches): _____ |
| Water Table Present? | Yes <input type="radio"/> | No <input checked="" type="radio"/> | Depth (inches): _____ |
| Saturation Present? (includes capillary fringe) | Yes <input type="radio"/> | No <input checked="" type="radio"/> | Depth (inches): _____ |

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Distinct upland terrace (2-foot erosive bank) delineates OHWM and transition to upland community that gradually slopes upward and away from active channel.

Appendix B Revised Section 5.3, *Biological Resources*

Appendices

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5. Environmental Analysis

5.3 BIOLOGICAL RESOURCES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Oak Glen Creek Specific Plan to impact biological resources in the City of Yucaipa. The analysis in this section is based in part on the following technical reports:

- *Biological Resources Impact Analysis Report, Oak Glen Creek Specific Plan in the City of Yucaipa, San Bernardino County, California*, Ruth Villalobos & Associates, Inc., October 28, 2016.
- *45-day San Bernardino kangaroo rat (SBKR Presence/Absence Survey Report) 40-acres within Wilson III Project, City of Yucaipa, California*, Jericho Systems Incorporated, July 7, 2017.
- *45-day California gnatcatcher (CAGN Presence/Absence Survey Report) 40-acres within Wilson III Project, City of Yucaipa, California*, Jericho Systems Incorporated, July 11, 2017.
- *2017 Botanical Survey Results for the Oak Glen Creek Specific Plan Project, City of Yucaipa, San Bernardino County, California*. Dudek, June 26, 2017.
- *Jurisdictional Waters Delineation Update Report for the Wilson Basin III Specific Plan Project, City of Yucaipa, California*. Dudek, August 11, 2017.

~~Complete copies of these studies are~~ Complete copies of these studies are included in the Technical Appendices to this Draft EIR (Volume II, Appendix C).

5.3.1 Environmental Setting

5.3.1.1 REGULATORY BACKGROUND

Federal

Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, was promulgated to protect and conserve any species of plant or animal that is endangered or threatened with extinction and the habitats in which these species are found. “Take” of endangered species is prohibited under Section 9 of the FESA. “Take,” as defined under the FESA, means to “harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” Section 7 of the FESA requires federal agencies to consult with the US Fish and Wildlife Service (USFWS) on proposed federal actions which may affect any endangered, threatened or proposed (for listing) species or critical habitat that may support the species. Section 4(a) of the FESA requires that critical habitat be designated by the USFWS “to the maximum extent prudent and determinable, at the time a species is determined to be endangered or threatened.” Critical habitat is formally designated by USFWS to provide guidance for planners/managers and biologists with an indication of where suitable habitat may occur and where high priority of preservation for a particular species should be given. Section 10 of the FESA provides the regulatory mechanism that allows the incidental take of a listed species by private interests and nonfederal government agencies during lawful activities. Habitat conservation plans for the

5. Environmental Analysis

BIOLOGICAL RESOURCES

impacted species must be developed in support of incidental take permits for nonfederal projects to minimize impacts to the species and develop viable mitigation measures to offset the unavoidable impacts.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (MBTA), is the domestic law that affirms, or implements, the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities except under a valid permit or as permitted in the implementing regulations. USFWS administers permits to take migratory birds in accordance with the regulations promulgated by the MBTA.

Bald and Golden Eagle Protection Act (16 USC 668)

The Bald and Golden Eagle Protection Act prohibits the “take” of either of these species, including their parts, nests, or eggs. The MBTA defines “take” as to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb” any bald or golden eagle. The Bald and Golden Eagle Protection Act is administered by the USFWS, and limited take authorizations are granted for qualifying activities. Persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle [or any golden eagle], alive or dead, or any part, nest, or egg thereof” without prior approval are subject to criminal penalties.

Clean Water Act

The United States Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into “waters of the U.S.”¹ (including wetlands and nonwetland bodies of water that meet specific criteria) pursuant to Section 404 of the federal Clean Water Act (CWA). A permit is required for any filling or dredging within waters of the U.S. The permit review process entails an assessment of potential adverse impacts to Corps wetlands and jurisdictional waters, wherein the Corps may require mitigation measures. Where a federally listed species may be affected, a Section 7 consultation with USFWS may be required. If there is potential for cultural resources to be present, Section 106 review may be required. Also, where a Section 404 permit is required, a Section 401 Water Quality Certification would also be required from the Regional Water Quality Control Board (RWQCB).

Section 401(a)(1) of the CWA specifies that any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters shall provide the federal permitting agency a certification, issued by the state in which the discharge originates, that any such discharge will comply with the

¹ “Waters of the United States,” as it applies to the jurisdictional limits of the authority of the Corps of Engineers under the Clean Water Act, includes: all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce; water impoundments; tributaries of waters; territorial seas; wetlands adjacent to waters. The terminology used by Section 404 of the Clean Water Act includes “navigable waters” which is defined at Section 502(7) of the Act as “waters of the United States including the territorial seas.”

5. Environmental Analysis BIOLOGICAL RESOURCES

applicable provisions of the CWA. In California, the applicable RWQCB must certify that the project will comply with water quality standards. Permits requiring Section 401 certification include Corps Section 404 permits and National Pollutant Discharge Elimination System permits issued by the Environmental Protection Agency under Section 402 of the CWA. NPDES permits are issued by the applicable RWQCB. The City of Yucaipa is within the jurisdiction of the Santa Ana RWQCB (Region 8).

Fish and Wildlife Coordination Act (16 USC 661 et seq.)

The Fish and Wildlife Coordination Act of 1934, as amended, requires coordination with USFWS and the California Department of Fish and Wildlife (CDFW) so that these agencies may evaluate impacts to fish and wildlife species that have the potential to result from proposed water resource development projects. Specifically, the act requires that fish and wildlife species as well as habitats that may support them be given equal consideration as other project features. This act also requires federal agencies that construct, license, or permit water resource development projects to first coordinate with USFWS and CDFW to determine impacts that may occur to fish and wildlife resources and to establish appropriate avoidance, minimization, and/or mitigation measures to reduce these potential impacts.

Floodplain Management and Protection of Wetlands (42 FR 26961, 52 FR 34617)

Executive Order 11990, Protection of Wetlands, as amended, requires federal agencies to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance functions and values of these wetlands while carrying out their responsibilities pertaining to water supply, erosion and flood prevention, and maintenance of natural systems, among others.

Invasive Species (64 FR 6138)

Executive Order 13112, Invasive Species, as amended, requires federal agencies to coordinate efforts that prevent the introduction of invasive species; manage existing invasive species; and minimize the economic, ecological, and human health impacts that invasive species cause. This order defines invasive species, requires federal agencies to address invasive species concerns, and prohibits new actions that would cause or promote the introduction of invasive species. To comply with this order, all enhancement, restoration, and creation activities should use native plants and should include measures to prevent the introduction of invasive species.

State

California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA and is administered by the CDFW. Its intent is to prohibit take and protect state-listed endangered and threatened species of fish, wildlife, and plants. Unlike its federal counterpart, CESA also applies the take prohibitions to species petitioned for listing (state candidates). Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Wildlife Commission. Unlike the FESA, CESA does not include listing provisions for invertebrate species. Under certain conditions, CESA has provisions for take through a 2081 permit or Memorandum of Understanding.

5. Environmental Analysis

BIOLOGICAL RESOURCES

In addition, some sensitive mammals and birds are protected by the state as Fully Protected Species. California Species of Special Concern are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. This list is primarily a working document for the CDFW's CNDDDB project, a database of known and recorded occurrences of sensitive species. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biological resources assessments.

California Porter-Cologne Water Quality Control Act

The California Porter-Cologne Water Quality Control Act was enacted in 1969 and is administered by the State Water Resources Control Board and/or the RWQCB. This act provides protection for Waters of the State, which are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.” If a proposed project involves alteration to any Waters of the State, the project proponent must file a Report of Waste Discharge with the appropriate RWQCB to obtain “Waste Discharge Requirements,” which serve as the project discharge permit.

California Department of Fish and Game Code

- **Section 2081:** This section allows CDFW to issue an incidental take permit for projects that have the potential to take a special status species, including a state-listed species, as long as the impacts are minimized and fully mitigated and will not jeopardize the continued existence of a state-listed species. The measures required to minimize and fully mitigate impacts must be roughly proportional to the impact and must be capable of successful implementation while maintaining the applicant's objectives to the greatest extent feasible. The applicant must show that adequate funding is available to implement the required avoidance and mitigation measures and monitor their effectiveness.
- **Sections 1600 to 1616:** ~~CDFW regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. These code sections discuss the process by which an individual, government agency, or public utility must notify the CDFW prior to any activity that would substantially divert or obstruct the natural flow of or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled flaked, or ground pavement where it may pass into any river, stream, or lake. The CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by the CDFW. Following such notification, the CDFW must inform the individual, agency, or utility of the existence of any fish and wildlife resources that may be substantially adversely affected by the activity. The CDFW ~~must also include a proposal called~~ requires a Lake or Streambed Alteration (LSA) Agreement when it determines that the activity may substantially adversely affect existing fish or wildlife resources. The LSA Agreement includes ~~for~~ measures to protect fish and wildlife resources.~~
- The CDFW has jurisdiction over all waters of the state, such as streams, rivers (measured from bank to bank), and any “riparian” vegetation associated with the waters. Streams and rivers are defined by the presence of a channel bed and banks, and at least an intermittent flow of water. The term “riparian”

5. Environmental Analysis

BIOLOGICAL RESOURCES

vegetation refers to vegetation that occurs in and/or adjacent to a water course. Typical “riparian” vegetation includes willows, mulefat, western sycamores, Fremont cottonwoods, cattails, and other vegetation found in moist areas and typically associated with the banks of a stream or lake shoreline. CDFW jurisdictional areas are delineated by the outer edge of riparian vegetation or from the top of one channel bank to the top of the opposite channel bank, whichever is wider. Thus, defining the limits of the CDFW jurisdiction based on riparian habitat will include wetland areas and may include areas that do not meet the Corps criteria for soils and/or hydrology. In addition, the CDFW may take jurisdiction over isolated wetlands and streambeds in cases where the Corps may not. Therefore, the CDFW jurisdiction is typically equal to or greater than the Corps jurisdiction.

Local

Yucaipa Municipal Code/Development Code

The City of Yucaipa Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City’s General Plan and proposed development projects. The following provisions from the City’s municipal code are related to biological resources associated with new development projects.

- **Division 9 (Plant Protection and Management).** Provides regulations and guidelines for the management of plant resources while promoting the continued health of the City’s abundant and diverse plant resources. The purpose is to promote and sustain the health, vigor, and productivity of plant life and aesthetic values within the City through appropriate management techniques; conserve the plant life heritage; protect trees and plants from indiscriminate removal; provide a uniform standard for appropriate removal of trees and plants in public and private places and streets to promote conservation of these valuable natural resources; protect and maintain water productivity and quality in local watersheds; and preserve habitats for rare, endangered, or threatened plants and to protect animals with limited or specialized habitats. Also provided are specific measures for tree protection from insects and diseases, mountain forest and valley tree conservation, riparian plant conservation, and oak tree conservation.
- **Division 5 (Overlay Districts), Chapter 3 (Resource Preservation), Article 2 (Biotic Resources Overlay District).** Provides regulations and guidelines to implement General Plan policies regarding the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats that have been identified in incorporated areas of the City. The Biotic Resources Overlay District is intended to be applied to incorporated areas of the City that have been identified by a city, county, state, and/or federal agency as habitat for species of unique, rare, threatened, or endangered plants or animals or their habitats.

According to this article, when a land use is proposed or an existing land use is increased by more than 25 percent within a Biotic Resources Overlay District, a project applicant would be required to submit a report, prepared by a qualified biologist, that identifies all biotic resources within and adjacent to the site that could be impacted by the proposed development. The report must also include appropriate

5. Environmental Analysis

BIOLOGICAL RESOURCES

avoidance, minimization, and/or mitigation measures to reduce or eliminate impacts to the sensitive resource(s). This report must be submitted along with the application for the proposed development, and the conditions of approval of the proposed development will incorporate the identified avoidance, minimization, and/or mitigation measures to protect and preserve the habitats of the identified plants and/or animals.

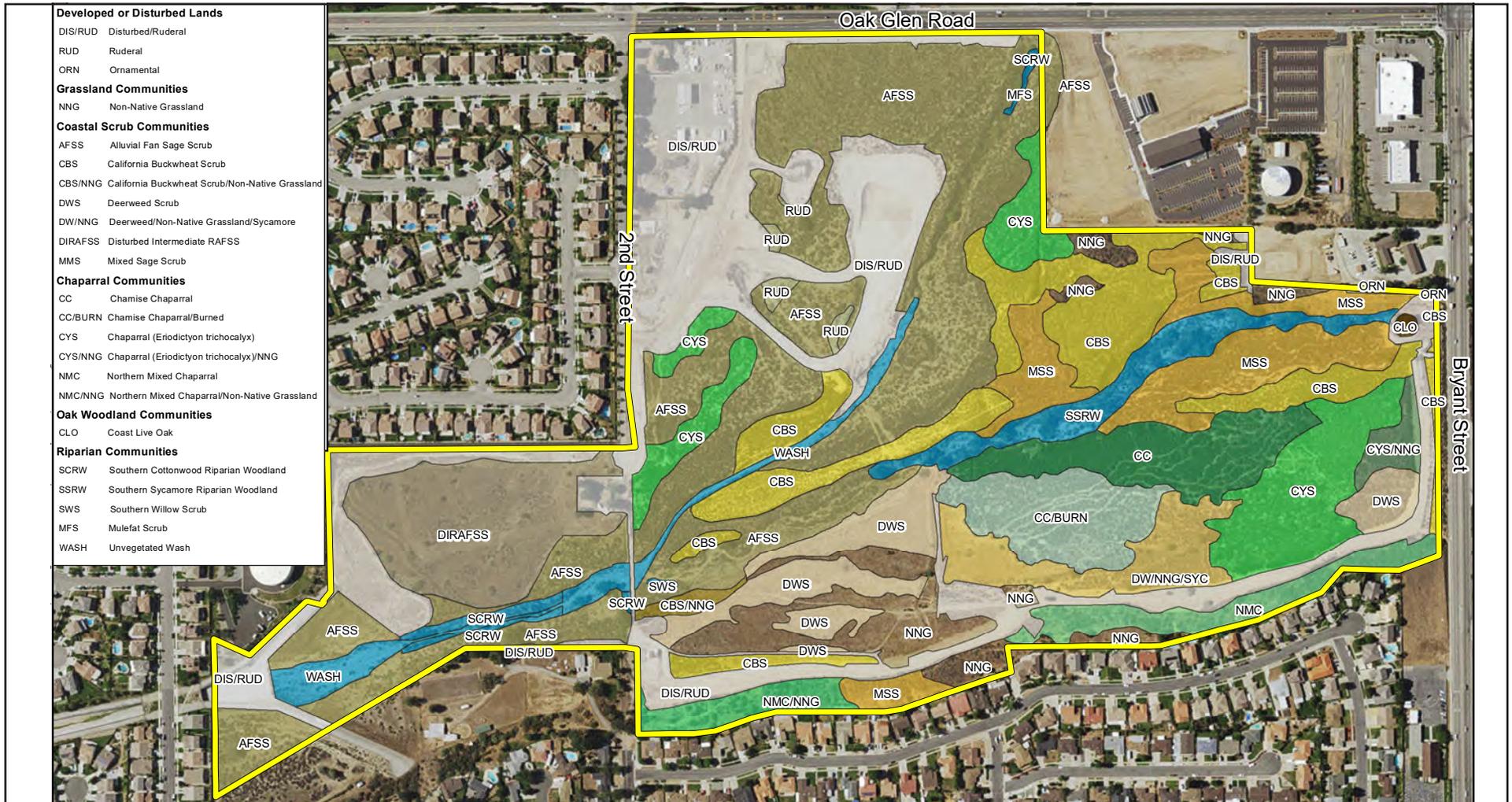
5.3.1.2 EXISTING CONDITIONS

Vegetation Communities

Natural community names and hierarchical structure follow the CDFW “List of Vegetation Alliances and Associations” and/or Holland classification systems, which have been refined and augmented where appropriate to better characterize the habitat types observed onsite (CDFW 2010 and Holland 1986).

The native and nonnative vegetation communities and disturbed habitats mapped within the project site are shown on Figure 5.3-1, *Vegetation Communities*. The approximately 116-acre Specific Plan area supports 22 vegetation communities. The acreage of each habitat is summarized in Table 5.3-1, *Summary of Project Area Vegetation Communities*, and brief descriptions follow.

Figure 5.3-1 Vegetation Communities
5. Environmental Analysis



 Oak Glen Creek Specific Plan Boundary

0 450
Scale (Feet)



Base Map Source: Ruth Villalobos Associates, Inc., 2016

5. Environmental Analysis

BIOLOGICAL RESOURCES

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5. Environmental Analysis
BIOLOGICAL RESOURCES

Table 5.3-1 Summary of Project Area Vegetation Communities

| Vegetation Communities | Acres |
|---|--------------------|
| Developed or Disturbed Lands | |
| Disturbed/Ruderal (DIS/RUD) | 25.05 |
| Ruderal (RUD) | 0.41 |
| Ornamental (ORN) | 0.05 |
| Grassland Communities | |
| Non-native Grassland (NNG) | 5.38 |
| Coastal Scrub Communities | |
| Alluvial Fan Sage Scrub (AFSS) – Onsite | 27.03 |
| Alluvial Fan Sage Scrub (AFSS) – Off-site | 0.34 |
| Disturbed Intermediate Alluvial Fan Sage Scrub (DIRAFSS) | 6.40 |
| California Buckwheat Scrub (CBS) | 10.39 |
| California Buckwheat Scrub/Non-Native Grassland Ecotone (CBS/NNG) | 0.37 |
| Deerweed Scrub (DWS) | 4.74 |
| Deerweed Scrub/Non-Native Grassland/Sycamore Ecotone (DWS/NNG) | 3.28 |
| Mixed Sage Scrub (MSS) | 6.90 |
| Chaparral Communities | |
| Chamise Chaparral (CC) | 3.96 |
| Chamise Chaparral/Burned (CC/BURN) | 3.60 |
| Eriodictyon Chaparral (CYS) | 7.04 |
| Eriodictyon Chaparral/Non-Native Grassland Ecotone (CYS/NNG) | 0.77 |
| Northern Mixed Chaparral (NMC) | 2.38 |
| Northern Mixed Chaparral/Non-Native Grassland Ecotone (NMC/NNG) | 1.50 |
| Oak Woodland Communities | |
| Coast Live Oak Woodland (CLO) | 0.10 |
| Riparian Communities | |
| Southern Cottonwood Riparian Woodland (SCRW) | 0.67 |
| Southern Sycamore Riparian Woodland (SSRW) | 2.88 |
| Southern Willow Scrub (SWS) | 0.05 |
| Mule Fat Scrub (MFS) | 0.07 |
| Unvegetated Wash (WASH) | 2.20 |
| TOTAL | 115.6 acres |

Source: RVA 2016.

Note: Acreages rounded to the nearest hundredth.

Disturbed/Ruderal (25.05 acres)

There are three areas that are currently developed that no longer support native vegetation and/or provide any suitable habitat wildlife species—the City yard at the southeast corner of Glen Oak Road and 2nd Street, a residential home along 2nd Street just north of where Wilson Creek crosses the road, and a concrete flood control structure along the western boundary.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Disturbed/ruderal habitat also includes dirt roads, lots, and abandoned sand mining sites located along Wilson Creek and recently graded lands maintained as fire breaks in the southern portion of the project site. These areas are generally barren and support only a few ruderal plant species.

Ruderal (0.41 acre)

Ruderal habitat on site consists of disturbed land sparsely vegetated with mostly non-native broad-leaved plants and a few grasses, including short-pod mustard (*Hirschfeldia incana*), red-stem filaree (*Erodium cicutarium*), southern thistle (*Salsola australis*), tocolote (*Centaurea melitensis*), tumble mustard (*Sisymbrium altissimum*), bur clover (*Medicago polymorpha*), tree tobacco (*Nicotiana glauca*), red brome (*Bromus madritensis subsp. rubens*), cheat grass (*Bromus tectorum*), and Mediterranean grass (*Schismus barbatus*). A few native species, telegraph weed (*Heterotheca grandiflora*), California croton (*Croton californicus*), and horseweed (*Conyza canadensis*), also grow in ruderal habitats within the project site.

Ornamental (0.05 acre)

Ornamental plantings, consisting mostly of cultivated pine trees (*Pinus halepensis*), are adjacent to the fire station in the northeast corner of the project site.

Non-native Grassland (5.38 acres)

Several species of non-native grasses and forbs characterize the non-native grassland community found on the project site. Dominant non-native grasses include red brome, wild oat (*Avena fatua*), rattail fescue (*Vulpia myuros*), cheat grass, ripgut grass (*Bromus diandrus*), and foxtail barley (*Hordeum murinum*). Non-native forbs include short-pod mustard, red-stem filaree, common horehound (*Marrubium vulgare*), and smooth cat's ear (*Hypochaeris glabra*). Scattered native forbs include common sand aster (*Corethrogyne filaginifolia*), bristly golden-star (*Heterotheca sessiliflora* subsp. *echioides*), common fireweed (*Amsinckia menziesii*), doveweed (*Croton setiger*), miniature lotus (*Lotus bicolor*), slender buckwheat (*Eriogonum gracile*), and Brewer's daisy (*Erigeron breveri* var. *bisanctus*).

Riversidean Alluvial Fan Sage Scrub (27.37 acres)

Riversidean alluvial fan sage scrub is widespread along Wilson Creek and the lower portion of Oak Glen Creek in the western half of the project site, then extends into the southwest corner of the project site. The community in the southwest corner of the site extends up the banks of the incised channel and continues outside of the drainage channel associated with Wilson Creek, likely due to the scouring effect of flood waters breaching the banks of the channel during storm events. Riversidean alluvial fan sage scrub is dominated by scale-broom (*Lepidospartum squamatum*), but also supports a broad diversity of other native shrubs and forbs, including valley cholla (*Cylindropuntia californica*), deerweed (*Acmispon glaber*), hairy yerba santa (*Eriodictyon trichocalyx*), blue elderberry (*Sambucus mexicana*), California buckwheat (*Eriogonum fasciculatum*), cotton-thorn (*Tetradymia comosa*), tarragon (*Artemisia dracunculus*), white sage (*Salvia apiana*), chaparral yucca (*Yucca whipplei*), branching phacelia (*Phacelia ramosissima*), sandwash butterweed (*Senecio flaccidus* var. *douglasii*), Pomona locoweed (*Astragalus pomonensis*), common cryptantha (*Cryptantha intermedia*), and California croton. A few non-native forbs and grasses are also present, including red brome, short-pod mustard, cheat grass, rattail

5. Environmental Analysis

BIOLOGICAL RESOURCES

fescue, tocolote, Mediterranean grass, and red-stem filaree. Natural sandy openings in the scrub support a diverse assemblage of small, mostly native forbs and grasses, including small primrose (*Camissonia micrantha*), slender buckwheat, California filago (*Filago californica*), everlasting nest-straw (*Stylocline gnaphaloides*), slender pectocarya (*Pectocarya linearis* subsp. *ferocula*), sand pygmy stonecrop (*Crassula connata*), common calyptridium (*Calyptridium monandrum*), lastarriaea (*Lastarriaea coriacea*), six weeks fescue (*Vulpia octoflora*), and the sensitive Parry's spineflower.

There is an additional 0.34-acre area of Riversidean alluvial fan sage scrub outside of the Specific Plan boundary that is within the proposed development footprint (i.e., required offsite improvements).

Disturbed Intermediate Riversidean Alluvial Fan Sage Scrub (6.40 acres)

The majority of the northern half of the project site supports a disturbed intermediate Riversidean alluvial fan sage scrub habitat. This area has been heavily disturbed by agricultural activities associated with the residences found on the property and primarily supports non-native grasses, including red brome, short-pod mustard, cheat grass, and Mediterranean grass. Isolated residual components of the intermediate Riversidean alluvial fan sage scrub habitat that once occupied this area are still present. Native species still occurring onsite included: California buckwheat, blue elderberry (*Sambucus mexicanum*), and cotton-thorn.

California Buckwheat Scrub (10.39 acres)

The California buckwheat scrub community onsite is dominated by nearly monotypic stands of California buckwheat. Scattered cotton-thorn, white sage, and deerweed are also present. The understory often consists of scattered to dense exotic grasses such as wild oats, rattail fescue, and red brome. A few native and non-native forbs also grow in this habitat, including California everlasting (*Pseudognaphalium californicum*), silver puffs (*Microseris lindleyi*), common catchfly (*Silene gallica*), and tocolote.

California Buckwheat Scrub/Non-native Grassland Ecotone (0.37 acres)

The California buckwheat scrub community forms a transitional habitat with non-native grasslands on site. This ecotone habitat supports scattered buckwheat shrubs, but is otherwise dominated by dense non-native grasses, especially rattail fescue.

Deerweed Scrub (4.74 acres)

A scrub community dominated by nearly monotypic stands of deerweed is locally common in the southern portion of the property that burned in 2008. Cotton-thorn and a few other shrubs are occasionally present. The understory vegetation contains rattail fescue, tocolote, red brome, and a few native forbs such as common sand aster.

Deerweed Scrub/Non-native Grassland/Sycamore Ecotone (3.28 acres)

The Deerweed Scrub community forms a transitional habitat with non-native grasslands that also supports scattered western sycamore (*Platanus racemosa*) trees. This area also burned in 2008. Rattail grass, cheat grass, and red brome are common.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Mixed Sagebrush Scrub (6.90 acres)

This coastal scrub community is developed on upland sites with loamy soils and supports numerous shrub species, including California sagebrush (*Artemisia californica*), California buckwheat, white sage, brittle bush (*Encelia farinosa*), deerweed, cottonthorn, purple nightshade (*Solanum xanti*), black sage (*Salvia mellifera*), blue elderberry, four-wing saltbush (*Atriplex canescens*), and coast prickly-pear (*Opuntia littoralis*). Numerous non-native and native forbs and grasses grow in the understory vegetation, including golden yarrow (*Eriophyllum confertiflorum*), splendid Mariposa lily (*Calochortus splendens*), and rattail fescue.

Chamise Chaparral (3.96 acres)

The chamise chaparral community on site is dominated by dense, monotypic stands of chamise (*Adenostoma fasciculatum*). A few native and non-native forbs and grasses are also present in the understory or along trails, which include red brome, short-pod mustard, common calyptidium, chia (*Salvia columbariae*), cheat grass, minute-flowered cryptantha (*Cryptantha micromeres*), tocolote, Mediterranean grass, and red-stem filaree.

Chamise Chaparral/Burned (3.60 acres)

The southernmost portion of chamise chaparral burned in 2008. The open areas between the charred shrubs support numerous forbs, including California peony (*Paeonia californica*), golden ear-drops (*Dicentra chrysantha*), small primrose, slender buckwheat, everlasting nest-straw, slender pectocarya, and common calyptidium. Non-native species such as rattail fescue, tocolote, common horehound, and cheat grass are common.

Eriodictyon Chaparral (7.04 acres)

The Eriodictyon chaparral community on site is dominated by nearly monotypic stands of hairy yerba santa. Deerweed and cotton-thorn are also present.

Eriodictyon Chaparral/Non-native Grassland Ecotone (0.77 acre)

The Eriodictyon chaparral community forms a transitional habitat with non-native grasslands on site. This ecotone habitat supports scattered or clumped Eriodictyon trichocalyx shrubs, but is otherwise dominated by dense non-native grasses, especially rattail fescue, and occasionally also deerweed.

Northern Mixed Chaparral (2.38 acres)

The northern mixed chaparral community is found on the steep north-facing slope along the southern boundary of the project site. Common species of this habitat include California scrub oak (*Quercus berberidifolia*), heart-leaved bush penstemon (*Keckiella cordifolia*), mountain mahogany (*Cercocarpus betuloides*), holly-leaved cherry (*Prunus ilicifolia*), spiny redberry (*Rhamnus crocea*), blue elderberry, southern honeysuckle (*Lonicera subspicata*), sugar bush (*Rhus ovata*), California buckwheat, and numerous forbs such as California figwort (*Scrophularia californica*), western nettle (*Hesperocnide tenella*), and royal penstemon (*Penstemon spectabilis*).

5. Environmental Analysis BIOLOGICAL RESOURCES

Northern Mixed Chaparral/Non-native Grassland Ecotone (1.50 acres)

The northern mixed chaparral community forms a transitional habitat with non-native grasslands on site. This habitat supports a few scattered shrubs, but otherwise is dominated by dense non-native grasses, especially rattail fescue and brome grasses. A few native forbs are present, including doveweed, Brewer's daisy, western ragweed (*Ambrosia psilostachya*), and blue-eyed grass (*Sisyrinchium bellum*).

Coast Live Oak Woodland (0.10 acre)

Coast live oak (*Quercus agrifolia* var. *agrifolia*) woodland is uncommon on site. Understory species consist of forbs and grasses including bur-chervil (*Anthriscus caucalis*), fiesta flower (*Pholistoma auritum*), common horehound, foxtail barley, smilgrass (*Piptatherum miliaceum*), and riggut brome. A few oak seedlings and holly-leaved cherry are also present.

Southern Cottonwood Riparian Woodland (0.67 acre)

This mixed plant community occurs along the banks of Wilson Creek within the incised channel. Fremont cottonwood (*Populus fremontii*) dominates this riparian community. Black willow (*Salix gooddingii*) trees are also present in the canopy. Mugwort (*Artemisia douglasiana*), cockle-bur (*Xanthium strumarium*), tamarisk (*Tamarix ramosissima*), tree of heaven (*Ailanthus altissima*), mule fat (*Baccharis salicifolia*), and a few *Salix* saplings form the understory vegetation.

Southern Sycamore Riparian Woodland (2.88 acres)

This community occurs along Oak Glen Creek. The dominant tree species is the western sycamore, but Fremont cottonwood, red willow (*Salix laevigata*), and arroyo willow (*Salix lasiolepis*) are also present. Net-leaf hackberry (*Celtis reticulata*), California rose (*Rosa californica*), mule fat, mugwort, California buckwheat, and elderberry are found in the understory. Curly dock (*Rumex crispus*), seep monkeyflower (*Mimulus guttatus*), and water-cress (*Rorippa nasturtium-aquaticum*) grow along the banks of Oak Glen Creek.

Southern Willow Scrub (0.05 acre)

This community is uncommon on site and is dominated by red willow and arroyo willow. Mule fat, tarragon, ragweed, cockle-bur, and mugwort comprise the understory vegetation.

Mule Fat Scrub (0.07 acre)

Mule fat locally forms dense thickets along open creek banks. Willow and tree of heaven saplings, mugwort, seep monkeyflower, and curly dock are common components of this association.

Unvegetated Wash (2.20 acres)

The streambeds associated with Wilson Creek and Oak Glen Creek are frequently scoured by flood waters and are generally devoid of vegetation. Scattered seedlings are frequent, including scale-broom, mule fat, and cocklebur.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Sensitive Species

Sensitive Plants

Focused surveys and floristic inventories for the area east of 2nd Street, not including the City yard, were conducted from April through July 2011, ~~and from February through May 2012, and April through June 2017~~ to determine the presence or absence of the target special-status plant species that have potential to occur within the Specific Plan area. Of 29 sensitive plant species surveyed for, only Parry's spineflower was observed on site (see Figure 5.3-2, *Sensitive Plants Map*). For the area west of 2nd Street and the City yard, a focused plant survey was conducted in 2016 and specifically focused on whether any of the 29 sensitive species were present further downstream in Oak Glen Creek within the proposed project areas. Given that several populations of Parry's spineflower were documented just upstream of the project areas, an emphasis was placed on searching for Parry's spineflower.

The following discussion is presented in two parts—special-status species documented on the area east of 2nd Street, and special-status species documented on the area west of 2nd Street, including the City yard.

East of 2nd Street

Parry's spineflower (*Chorizanthe parryi* var. *parryi*) is an annual herb in the Polygonaceae family. It is a southern California endemic and is a California Rare Plant Rank 1B.1. (1B denotes a rare, threatened, or endangered species in California, and 0.1 means seriously threatened in California.) Parry's spineflower blooms from April to June, and its habitats range in elevation from 900 to 4,000 meters above mean sea level. Parry's spineflower occupies sandy soils, often on alluvial fans, in chaparral, cismontane woodland, grassland, and coastal scrub in Los Angeles, Riverside, and San Bernardino counties.

Most of the known populations of Parry's spineflower are in western Riverside and San Bernardino counties. Many historical populations have been rooted out or completely destroyed owing to loss of habitat following land development and degradation of habitat by invasions of exotic grasses. Other threats include mining, altered flood regimes, and off-road vehicles.

During the 2011 project surveys, the population census and field mapping of Parry's spineflower was conducted on May 24, June 3, and June 18. The flowering plants observed were counted individually at each habitat patch location and recorded on a spreadsheet for later input into a GIS database. The habitat patch areas, when generally larger in size than 600 square feet, were divided into quadrants to ensure accurate population census. The 2017 project surveys and field mapping of Parry's spineflower was conducted on April 19 and June 12. The accuracy and inventory of the 2011/2012 spineflower populations were confirmed, but only remapped if population sizes had expanded. All new occurrences of spineflower were mapped.

The 2011 ~~and 2017~~ project surveys recorded ~~11,2536,663~~ Parry's spineflower plants occupying ~~1.209~~ acres of coastal scrub, chaparral, and grassland habitats within the project site, as shown in Figure 5.3-2, *Sensitive Plants Map*. Parry's spineflower is typical of sandy-soil openings (habitat patch) in scrub vegetation. The abundance of Parry's spineflower within any given habitat patch varies greatly onsite, from widely spaced to very high concentrations of individual plants.

Figure 5.3-2 Sensitive Plants Map
5. Environmental Analysis



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Scale (Feet)



Source: Dudek, 2017

5. Environmental Analysis

BIOLOGICAL RESOURCES

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5. Environmental Analysis

BIOLOGICAL RESOURCES

West of 2nd Street and City Yard

The focused surveys covered all vegetated areas within the area west of 2nd Street and City yard, including the intermediate Riversidean alluvial fan sage scrub habitat, both naturally occurring and disturbed, as well as the southern cottonwood riparian woodland and disturbed ruderal habitat in the northwest portion of the area west of 2nd Street. Despite extensive systematic searches, no Parry's spineflower or any of the other 28 potentially occurring sensitive plant species were observed during the 2016 sensitive plant surveys. It can be concluded that this area of the site does not support sensitive plant species, including Parry's spineflower. Sensitive plants, including Parry's spineflower, are presumed absent from the area west of 2nd Street.

Sensitive Wildlife

The project site is not within or adjacent to USFWS critical habitat designation for federal listed plants or wildlife species. However, suitable habitat was identified onsite for two federal/ state threatened/ and endangered wildlife species (coastal California gnatcatcher and San Bernardino kangaroo rat) and one California Species of Special Concern (burrowing owl). Focused surveys for each of these species were conducted and the results are presented below.

Coastal California Gnatcatcher Surveys

No coastal California gnatcatchers were documented within the project site during the focused protocol surveys of spring 2012 and spring 2017. Also, no coastal California gnatcatcher were detected within the Oak Glen Creek/Wilson II Basins project immediately east of the project site during focused surveys in 2005.

Burrowing Owl Surveys

No burrowing owls were documented within or adjacent to the project site during the focused protocol surveys in spring 2012. No burrowing owl or burrowing owl sign was observed during the general biological surveys conducted in April 2015. Also, no burrowing owls were detected within the Oak Glen Creek/Wilson II Basins project immediately east of the project site during focused surveys in 2005.

San Bernardino Kangaroo Rat Surveys

No San Bernardino kangaroo rat, Los Angeles pocket mouse, or San Diego woodrat were captured during the focused trapping program in the spring of 2012 and 2017. However, the northwestern San Diego pocket mouse was captured within the project site during both the 2012 and 2017 trapping efforts. The northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*) is a California Species of Special Concern.

Additional Sensitive Wildlife with the Potential to Occur Onsite

During the focused surveys for sensitive wildlife, the northwestern San Diego pocket mouse (a California Species of Special Concern) was captured onsite. Focused surveys also reported suitable foraging habitat for Cooper's hawk, sharp-shinned hawk, ferruginous hawk, northern harrier, white-tailed kite, prairie falcon, golden eagle, California horned lark, and southern California rufous-crowned sparrow. Other sensitive species were found to have moderate to low potential to occur onsite based on lack of suitable habitat.

5. Environmental Analysis BIOLOGICAL RESOURCES

Jurisdictional Resources

Two drainages, each with a tributary, that meet both state and federal jurisdictional requirements were observed within the Specific Plan area. Figure 5.3-3, *Jurisdictional Waters Map*, shows the results of the delineation of waters of the U.S. and waters of the State (streambeds) associated with Wilson Creek and Oak Glen Creek within the project area. No wetlands were found in the project area. Table 5.3-2, *Summary of Project Area Jurisdictional Resources*, shows the proposed acreage delineated as jurisdictional under state and federal regulations, subject to CDFW and Corps verification.

Table 5.3-2 Summary of Project Area Jurisdictional Resources

| Drainage | Corps | CDFW |
|------------------------------|-----------------------|-----------------------|
| Wilson Creek and Tributary | <u>0.530.60</u> acres | <u>2.261.11</u> acres |
| Oak Glen Creek and Tributary | <u>1.661.7</u> | <u>11.559.42</u> |
| TOTAL | <u>2.192.34</u> | <u>13.8110.53</u> |

Oak Glen Creek

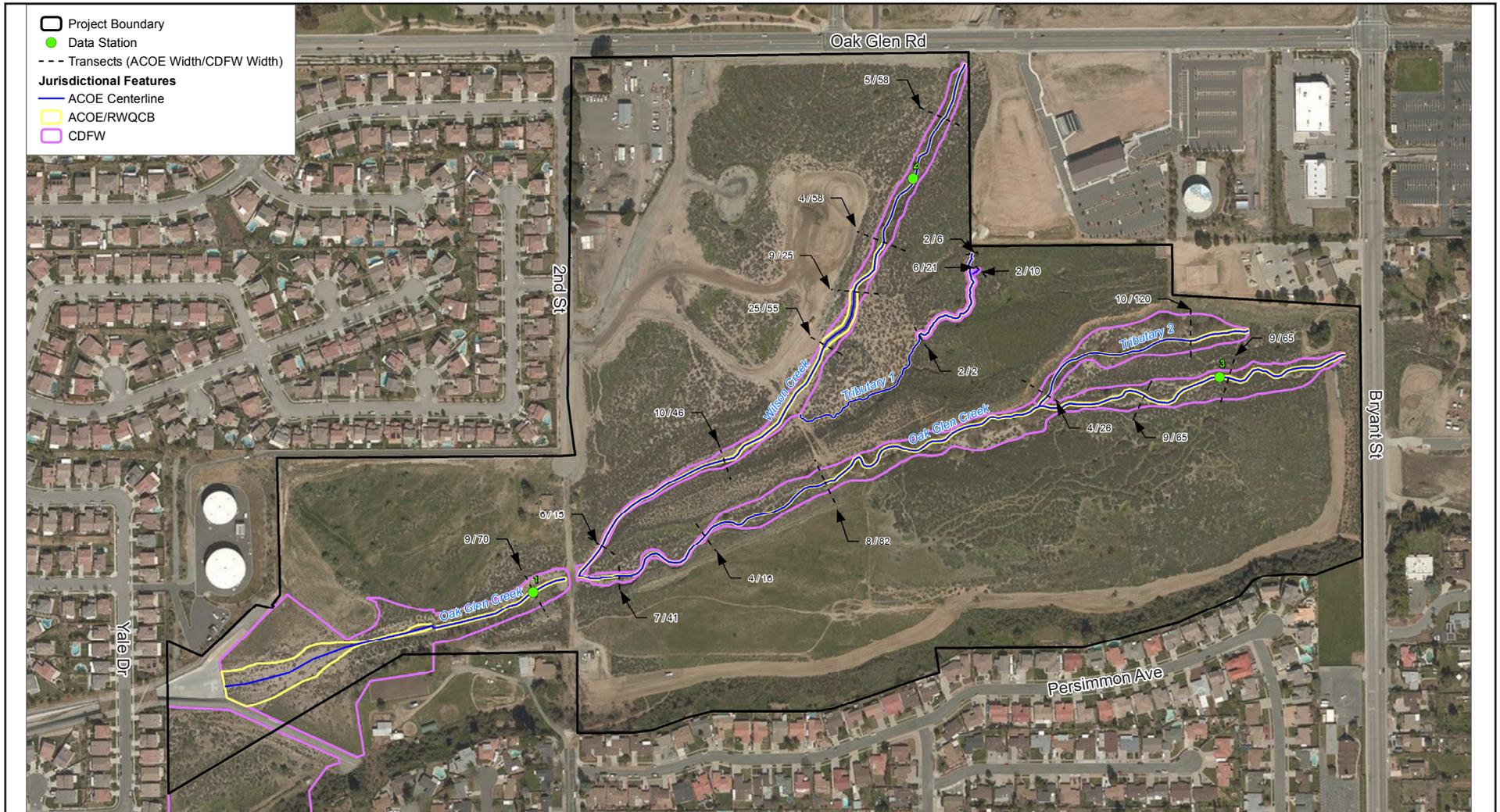
Within the project site, the Oak Glen drainage is dominated by upland species (buckwheat, fiddle neck, monkey flower) with occasional riparian habitat (mulefat, willow, elderberry). Tree species observed included sycamore, eucalyptus, and cottonwood. The width of Oak Glen Creek at the “ordinary high water mark” ~~near the confluence is approximately 10 feet~~ ranges from four to nine feet and on average remains fairly constant through the project area. Creek width for the purposes of CDFW jurisdiction varies from 16 footfeet to approximately 8233 feet wide to include the canopy of associated, with an average width of 49 feet.

The site visit for the jurisdictional delineation was conducted on April 27, 2011 by VCS Environmental and updated on July 26, 2017 by Dudek, by walking Oak Glen Creek starting at the confluence with Wilson Creek. ~~On this day, w~~ Water was flowing in Oak Glen Creek. The creek bed was heavily cobbled with a sandy bed. Little to no vegetation was present in the creek bed in this area, which was highly disturbed by flooding and motor vehicle access. Vegetation at the top of bank included cottonwood, buckwheat, and nonnative grasses. Soil pits were dug in this area in 2011 and 2017, and no hydric saturated soils were found.

Where the drainage narrows, vegetation begins to encroach closer to the stream. The landscape is dominated by buckwheat, sage, sycamore, and nonnative grasses. The creek becomes braided with hummocks, with the low flow channel containing the flow. Mulefat dominates near the channel and buckwheat and sycamore dominates in the upland.

Approximately 0.3 mile (1,600 feet) upstream from the confluence, Oak Glen Creek bifurcates. ~~On the day of the site visit, water was flowing in both channels.~~ As the main drainage approaches Bryant Street, it narrows and steepens; however, vegetation on the banks (mulefat) extends and widens the area under CDFW jurisdiction. At Bryant Street, the earthen creek bed meets the box culvert and channel under Bryant Street, and water was flowing from under Bryant Street to the main Oak Glen Creek channel.

Figure 5.3-3 Jurisdictional Waters Map
5. Environmental Analysis



Source: Dudek, 2017

5. Environmental Analysis

BIOLOGICAL RESOURCES

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5. Environmental Analysis

BIOLOGICAL RESOURCES

It was observed that an earlier low flow course leading from the concrete channel under Bryant Street in the direction of Tributary 2 had been abandoned. There were no indicators of water flow in this old channel, the topography precluded water from flowing into the channel, and the established vegetation was stressed while the relatively young vegetation was dominated by upland species, including cholla. Following the side channel downstream, no defined bed or bank was found in the upper region of this channel. Although the vegetation consisted of both upland and riparian species, there were no indicators of current water flow, and the older vegetation appeared to be failing. ~~A soil pit was dug on May 20, 2011. Soil pits were dug in 2011 and 2017 and no hydric soils were observed. the soil was determined to be non-saturated.~~

Approximately 500 feet downstream from Bryant Street, water was observed in the side channel, Tributary 2. The source of the water was a blow-off pipe and well that was overflowing. The well is associated with the basin immediately upstream of Bryant Street, and is it unknown if the flow is constant or intermittent. However, the volume is sufficient to support riparian habitat from this point downstream to where it joins the main channel of Oak Glen Creek. ~~A soil pit was dug and the soils were wet to a depth of nine inches.~~ No additional potential drainages were found along the remaining length of Tributary 2 or Oak Glen Creek.

Wilson Creek

Similar to Oak Glen Creek, Wilson Creek has sandy soils and is heavily cobbled. Water was not flowing on the day of the site visits ~~in 2011 or 2017~~. The creek bed was void of vegetation in this area. A very steep and, in places, vertical transition zone from the streambed to the surrounding floodplain, as well as dirt roads and development on either side of the main stem of Wilson Creek, prohibits riparian habitat from forming in most locations. Wilson Creek is substantially wider than Oak Glen at their confluence, approximately ~~48~~15 feet at the ordinary high water mark (OHWM); the width of the drainage varies from ~~two~~ 15 feet wide to approximately ~~32~~ 70 feet wide, with an average width of 43 feet. Due to the lack of associated riparian vegetation, creek width for both CDFW and Corps jurisdiction is based on the ordinary high water mark.

At the upper section of Wilson Creek within the project area, the creek narrows and becomes inaccessible due to a thick growth of mulefat and willows. At Oak Glen Street, the topography becomes steep (2:1 slope), and the creek bed continues off the project area through a concrete channel.

Potential drainages leading to Wilson Creek were noted, and the remaining project site was observed to determine if jurisdictional waters were present. The landscape was dominated by buckwheat, deer weed, white sage, and yerba santa. While several erosional features were present on the property, only one warranted additional investigation. The drainage (Tributary 1) was followed from its apparent inception at the top of the bank of the unimproved land to its confluence with Wilson Creek. Tributary 1 exhibited a defined bed and bank; the soils were sandy and nonhydric.

Non-jurisdictional Waters

Erosional features crisscross the project area. While these features clearly convey water, they do not have a defined bed or bank nor do they exhibit evidence of recent flows. In addition, these features fail to contain drainage prior to reaching a jurisdictional drainage; therefore, they have been determined to be non-jurisdictional waters.

5. Environmental Analysis

BIOLOGICAL RESOURCES

In addition to these ephemeral erosional features, the abandoned low flow channel from Bryant Street to the source of water for Tributary 2 does not exhibit features characteristic of waters of the U.S. or State under the guidance of either the Corps or the CDFW. As described above, there is no defined bed or bank, no indication of flow, and no associated riparian vegetation. Therefore, it too has been determined to be non-jurisdictional.

5.3.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- B-1 Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- B-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- B-3 Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- B-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- B-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- B-6 Conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Chapter 8, *Impacts Found Not to Be Significant*, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold B-5
- Threshold B-6

These impacts will not be addressed in the following analysis.

5.3.3 Environmental Impacts

The following impact analysis addresses thresholds of significance that may be potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

5. Environmental Analysis
BIOLOGICAL RESOURCES

Impact 5.3-1: Development in accordance with the Specific Plan would involve substantial habitat modification that would adversely impact various sensitive and special-status species. [Threshold B-1]

Impact Analysis: The Oak Glen Creek Specific Plan land uses include innovation, open space, and residential uses. The proposed project site impact area is defined by portions of the site that are proposed to be developed and include the southerly extension of 2nd Street, the Residential districts, the Innovation districts, and a flood control facility and associated structures within the Open Space District. The impacted area totals approximately 90 acres of the project site. The ~~remaining~~^{other} approximately 25 acres of the project site has been identified as a mitigation parcel and would be avoided and conserved as open space and natural habitat.

Sensitive Plants

Parry’s spineflower was the only sensitive plant species that was observed onsite during the focused plant surveys and is listed as California Rare Plant Rank 1B.1 (see Figure 5.3-4, *Impacted Sensitive Plants*). (1B denotes a rare, threatened, or endangered species in California; 0.1 means seriously threatened in California.) Table 5.3-3 summarizes the impacted and avoided number of individuals and acres of Parry’s spineflower found onsite.

Table 5.3-3 Impacts to Parry’s Spineflower

| Parry’s Spineflower | Individuals: Acres |
|---------------------|--|
| Not Impacted | <u>3,173 plants: 0.331 acres</u> 0.24 |
| Impacted | <u>8,080 plants: 0.89 acres</u> 0.70 |
| Total | <u>11,253 plants: 1.2 acres</u> 0.94 |

Overall, sensitive plant surveys resulted in the detection of ~~11,253~~^{11,253,663} Parry’s spineflower individuals occupying ~~1.20~~^{1.2094} acres of coastal scrub, chaparral, and grassland habitats within the project site, as shown in Figure 5.3-4, *Impacted Sensitive Plants*. Project-related impacts would result in the removal of 8,080 Parry’s spineflower individuals within 0.89 ~~0.70~~ acre of onsite habitat ~~occupied by Parry’s spineflower~~. A total of 3,173 individual spineflower plants within 0.31 acre of habitat within the 25-acre onsite mitigation parcel would be avoided and conserved. All of the plants constituting CRPR 1B meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act), or Sections 2062 and 2067 (California Endangered Species Act) of the CDFW Code and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA. Therefore, impacts to this species would be potentially significant.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Sensitive Wildlife

Endangered Wildlife Species

Although no threatened or endangered wildlife species were identified onsite during focused survey efforts, the project site has suitable foraging habitat for the following sensitive bird species: Cooper's hawk (SWL), sharp-shinned hawk (SWL), ferruginous hawk (SWL), northern harrier (CSC), white-tailed kite (SFP), prairie falcon (SWL), golden eagle (SFP/SWL), California horned lark (SWL), and southern California rufous-crowned sparrow (SWL).² Impacts to onsite foraging habitat for these species would be considered adverse, but would not appreciably affect the overall population of these species given the large amount of similar suitable foraging habitat in the vicinity of the project site and region. Additionally, development of the proposed Specific Plan would include conservation of approximately 25 acres of onsite foraging habitat for these birds as open space and natural habitat, within the onsite mitigation parcel. Therefore, these impacts would be considered less than significant.

Special Status Species : San Diego Pocket Mouse

The northwestern San Diego pocket mouse (CSC) is the only special status wildlife species observed onsite. Impacts to these individuals would be considered adverse, but would not appreciably affect the overall population of this species given the large amount of similar suitable habitat in the vicinity of the project site and beyond. Additionally, as previously stated, the proposed Specific Plan would include approximately 25 acres of potentially suitable habitat for northwestern San Diego pocket mouse, within the onsite mitigation parcel, as open space and natural habitat. Thus project-related impacts to this species are considered less than significant.

Migratory Birds/Raptors

No active bird/raptor nests or burrowing owls were documented within or immediately adjacent to the project site. However, the onsite vegetation communities represent suitable nesting habitat for common and sensitive resident and migratory bird/raptor species with the potential to occur within the project site. The loss of an active nest of common or sensitive bird species would be considered a violation of the CDFW Code, Sections 3503, 3503.5, and 3513, and the federal MBTA. Therefore, the loss of any bird species nest is considered a potentially significant impact.

Noise levels in and around the project site would temporarily increase during project construction. During construction, temporary noise impacts have the potential to disrupt foraging, nesting, and roosting of passerines, raptors, and bats known and/or expected to occur within/adjacent to the project site. These impacts are considered adverse, but not significant for most bird species, because the work would be temporary and localized, and the construction activities would not impact a substantial population of bird species. In addition, initial clearing of vegetation communities would be conditioned to occur outside of the nesting/breeding season to avoid impacts to nesting birds. However, passerines and raptors would potentially incur temporary short-term impacts from construction noise if nesting occurs in the vicinity of the proposed action. This impact would be considered potentially significant.

² SWL = State Watch List; CSC = California Species of Concern; SFP = State Fully Protected.

Figure 5.3-4 Impacted Sensitive Plants
5. Environmental Analysis



0 500
Scale (Feet)



Source: Dudek, 2017

5. Environmental Analysis

BIOLOGICAL RESOURCES

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5. Environmental Analysis
BIOLOGICAL RESOURCES

Impact 5.3-2: Buildout in accordance with the Oak Glen Creek Specific Plan would impact approximately 90 acres of sensitive vegetation communities, including alluvial fan sage scrub, sycamore riparian woodland, and southern cottonwood riparian woodland. [Threshold B-2]

Impact Analysis: The proposed project would impact approximately 90 acres of mapped vegetation types within the proposed development footprint, which includes an additional 0.34 acre outside of the Specific Plan boundary. The proposed basin design includes construction of an access road and associated grading that extends outside of the Specific Plan boundary in the northern portion of the site and south of Oak Glen Road. This area is approximately 0.34 acre and contains Riversidean alluvial fan sage scrub habitat (see Figure 5.3-5, *Impacted Vegetation Communities*). Table 5.3-4 summarizes the impacts from project development to the vegetation communities within and outside of the Oak Glen Creek Specific Plan Boundary.

Three sensitive plant communities were documented onsite—Riversidean alluvial fan sage scrub, southern sycamore riparian woodland, and southern cottonwood riparian woodland. Project development would impact 0.34 acre of alluvial fan sage scrub outside of the Specific Plan boundary and 24.85 acres within the Specific Plan boundary, 1.70 acre of southern sycamore riparian woodland, and 0.67 acre of southern cottonwood riparian woodland. Impacts to sensitive vegetation communities are potentially significant.

Table 5.3-4 Impacts to Vegetation Communities

| Vegetation Communities | Total Acres | Impacted Acres |
|---|-------------|----------------|
| Developed or Disturbed Lands | | |
| Disturbed/Ruderal (DIS/RUD) | 25.05 | 21.65 |
| Ruderal (RUD) | 0.41 | 0.41 |
| Ornamental (ORN) | 0.05 | 0 |
| Grassland Communities | | |
| Non-Native Grassland (NNG) | 5.38 | 4.18 |
| Coastal Scrub Communities | | |
| Alluvial Fan Sage Scrub (AFSS) – Onsite | 27.03 | 24.85 |
| Alluvial Fan Sage Scrub (AFSS) – Off-site | 0.34 | 0.34 |
| Disturbed Intermediate Alluvial Fan Sage Scrub (DIRAFSS) | 6.40 | 6.40 |
| California Buckwheat Scrub (CBS) | 10.39 | 8.50 |
| California Buckwheat Scrub/Non-Native Grassland Ecotone (CBS/NNG) | 0.37 | 0.67 |
| Deerweed Scrub (DWS) | 4.74 | 4.39 |
| Deerweed Scrub/Non-Native Grassland/Sycamore Ecotone (DW/NNG) | 3.28 | 2.68 |
| Mixed Sage Scrub (MSS) | 6.90 | 2.51 |
| Chaparral Communities | | |
| Chamise Chaparral (CC) | 3.96 | 1.98 |
| Chamise Chaparral/Burned (CC/BURN) | 3.60 | 3.60 |
| Eriodictyon Chaparral (CYS) | 7.04 | 2.88 |
| Eriodictyon Chaparral/Non-Native Grassland Ecotone (CYS/NNG) | 0.77 | 0.24 |
| Northern Mixed Chaparral (NMC) | 2.38 | 0.95 |
| Northern Mixed Chaparral/Non-Native Grassland Ecotone (NMC/NNG) | 1.50 | 0.11 |

5. Environmental Analysis

BIOLOGICAL RESOURCES

Table 5.3-4 Impacts to Vegetation Communities

| Vegetation Communities | Total Acres | Impacted Acres |
|--|--------------|----------------|
| Oak Woodland Communities | | |
| Coast Live Oak Woodland (CLO) | 0.10 | 0 |
| Riparian Communities | | |
| Southern Cottonwood Riparian Woodland (SCRW) | 0.67 | 0.67 |
| Southern Sycamore Riparian Woodland (SSRW) | 2.88 | 1.70 |
| Southern Willow Scrub (SWS) | 0.05 | 0.05 |
| Mule Fat Scrub (MFS) | 0.07 | 0.07 |
| Unvegetated Wash (WASH) | 2.20 | 1.95 |
| TOTAL | 115.6 | 90.78 |

Impact 5.3-3: The proposed project would impact ~~9.818-84~~ acres of jurisdictional waters, including ~~1.681-86~~ acres of Waters of the United States and ~~8.136-98~~ acres of Waters of the State. [Threshold B-3]

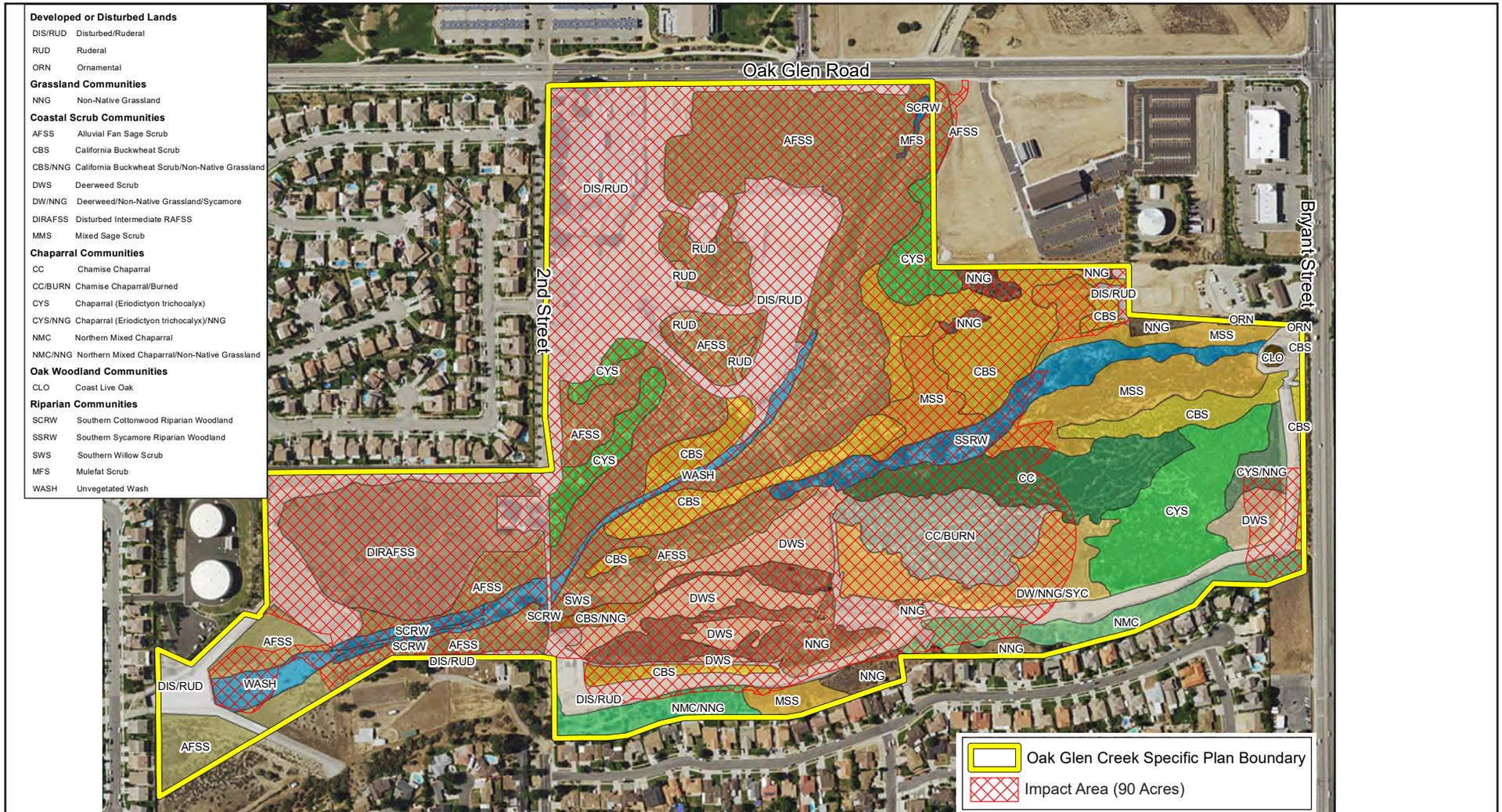
Impact Analysis: Although no wetlands or vernal pools were identified onsite, the proposed project would impact resources regulated by the Corps and CDFW through direct removal, filling, hydrological interruption, or other means. Figure 5.3-3, *Jurisdictional Waters Map*, and Table 5.3-2 illustrate that there is a total of ~~2.192-34~~ acres of jurisdictional Waters of the U.S. and ~~13.8140-53~~ acres of jurisdictional waters of the State within the Specific Plan area. Using GIS data of the proposed project’s grading footprint and the jurisdictional waters footprint, impacted acreages of jurisdictional resources regulated by the Corps and CDFW are listed in Table 5.3-5 and shown in Figure 5.3-6, *Impacted Jurisdictional Resources*. In total, the proposed project would impact a total of ~~1.681-86~~ acres of jurisdictional Waters of the U.S. and ~~8.136-98~~ acres of Waters of the State. Impacts would be potentially significant.

Table 5.3-5 Impacts to Jurisdictional Resources

| Jurisdiction | Total Resources | Impacted | Avoided |
|--------------|-----------------------|---------------------|---------------------|
| Corps | 2.192-34 | 1.681-86 | 0.510-48 |
| CDFW | 13.8140-53 | 8.136-98 | 5.683-55 |
| TOTAL | 16.042-87 | 9.818-84 | 6.194-03 |

Source: RVA-2016-Dudek 2017.

Figure 5.3-5 Impacted Vegetation Communities
5. Environmental Analysis



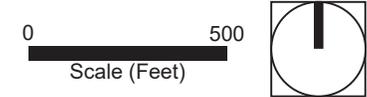
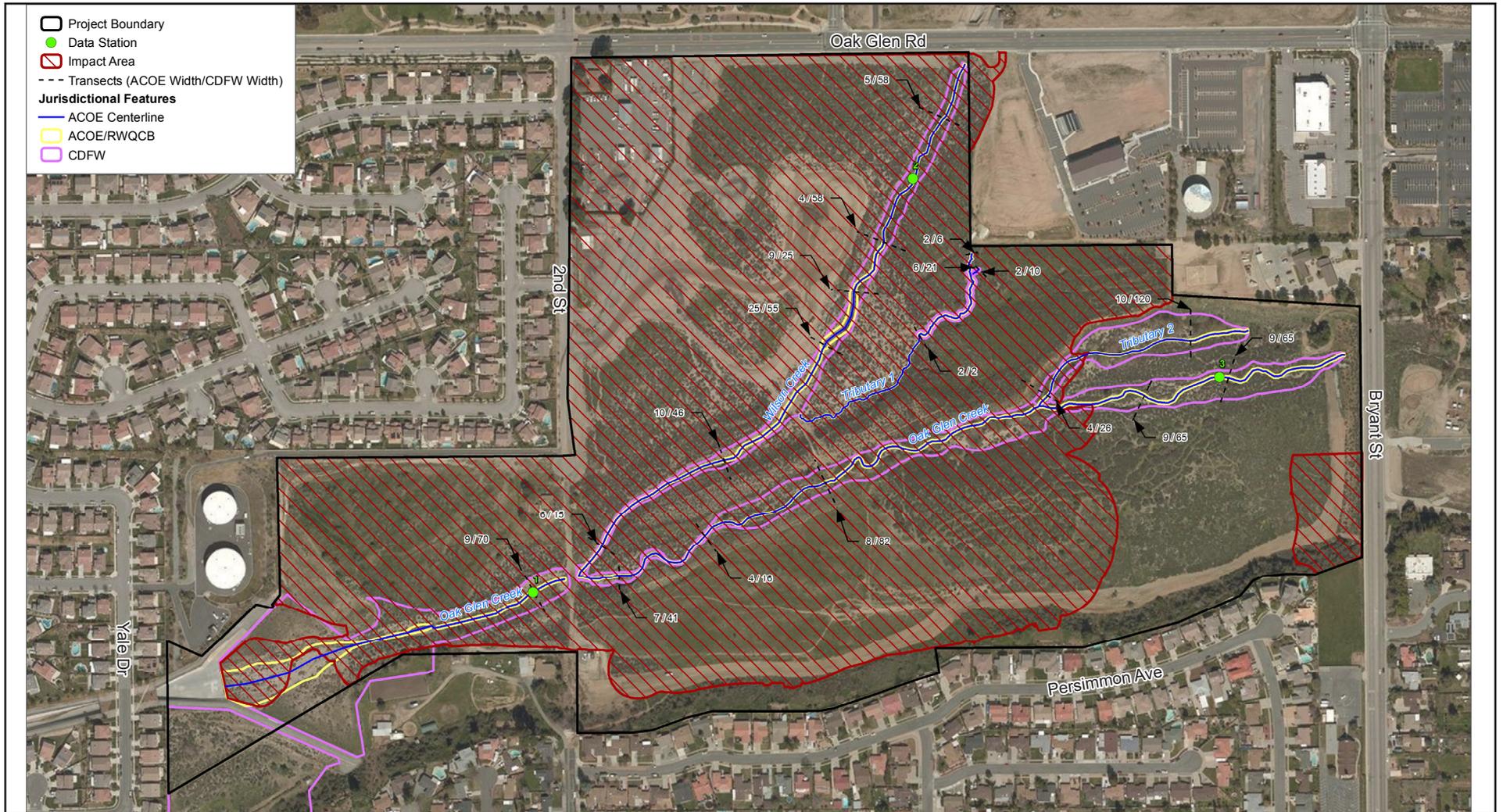
Base Map Source: Ruth Villalobos Associates, Inc., 2016

5. Environmental Analysis

BIOLOGICAL RESOURCES

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Figure 5.3-6 Impacted Jurisdictional Waters
5. Environmental Analysis



Source: Dudek, 2017

5. Environmental Analysis

BIOLOGICAL RESOURCES

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5. Environmental Analysis

BIOLOGICAL RESOURCES

Impact 5.3-4: Development in accordance with the Specific Plan would affect wildlife movement and potentially impede the use of wildlife corridors for migratory species. [Threshold B-4]

Impact Analysis: Implementation of the proposed project would result in a temporary direct impact to wildlife movement within Wilson and Oak Glen Creeks. The project site represents a wildlife movement corridor/route between the upstream reaches of Wilson and Oak Glen Creeks and downstream confluence of Wilson Creek and Gateway Wash. Specifically, the project site is traversed by both Wilson and Oak Glen Creeks, and no onsite barriers exist that would preclude movement through the site. Any project design features which would restrict, reduce, or impede wildlife movement through the project site within Wilson or Oak Glen Creeks would represent a significant impact. For example, the proposed project would create a substantial new source of lighting that could increase ambient lighting above current levels. Project-related lighting could impede wildlife movement, breeding, nesting, and/or foraging behavior of common and/or sensitive species within the project site open space areas; thus, impacts are potentially significant.

5.3.4 Cumulative Impacts

Cumulative impacts to biological resources are based on a regional evaluation that considers regional habitat loss, protected species, and wildlife corridors. Significant biological resources in the project area include the Crafton Hills and Yucaipa Regional Park to the northwest, El Dorado Ranch Park and San Bernardino National Forest to the east, and Wildwood Canyon State Park to the southeast. The proposed project is required to prepare and implement several mitigation plans and provide on- and offsite mitigation to offset impacts to sensitive plants and habitats and jurisdictional resources. Cumulative projects in the region are subject to the same laws and regulations protecting sensitive species, including the federal and state Endangered Species Act and Migratory Birds Treaty Act. Adherence to these existing regulations and mitigation of project-specific impacts would ensure cumulative impacts are less than significant.

5.3.5 Existing Regulations

Federal

- Endangered Species Act
- Clean Water Act, Sections 401, 402, and 404
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act
- Floodplain Management and Protection of Wetlands, Executive Order 11990
- Invasive Species, Executive Order 13112

State

- California Endangered Species Act
- California Fish and Game Code Sections 2081, 1600-1616, etc.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Local

- City of Yucaipa Municipal Code, Division 9 (Plant Protection and Management)

5.3.6 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- **Impact 5.3-1** Development in accordance with the Specific Plan would involve habitat modification of currently vacant and undisturbed natural habitat, adversely impacting sensitive and special-status species.
- **Impact 5.3-2** Development of the proposed project would impact approximately 90 acres of sensitive vegetation communities.
- **Impact 5.3-3** The development footprint of the proposed project would impact 8.84 acres of jurisdictional Waters, including 1.86 acres regulated by the Corps and 6.98 acres regulated by CDFW.
- **Impact 5.3-4** Wildlife corridors onsite could be adversely impacted by development in accordance with the proposed project.

5.3.7 Mitigation Measures

Impact 5.3-1

3-1 **Burrowing Owl ~~3014-Day Preconstruction Take Avoidance~~ Surveys.** A ~~3014-day~~ burrowing owl ~~preconstruction take avoidance~~ survey shall be conducted prior to the initiation of ground-disturbing ~~construction activities~~ to ensure protection for this species and compliance with the conservation goals outlined by the California Department of Fish and Wildlife (CDFW). The survey shall be conducted in compliance with CDFW 2012 guidelines. A report of the findings prepared by a qualified biologist shall be submitted to CDFW and the City of Yucaipa prior to initiation ground disturbing activities. If burrowing owls are not detected during the clearance survey, no additional mitigation is required.

If burrowing owls are detected onsite during the ~~take avoidance~~ ~~preconstruction~~ survey effort, a burrowing owl relocation and mitigation plan which includes project specific avoidance and minimization measures shall be developed based on the CDFW 2012 guidelines and approved by CDFW and USFWS prior to grading or construction. ~~CDFW and USFWS requirements.~~ The plan shall include the following:

1. Avoidance and minimization measures, including the following, at minimum:

5. Environmental Analysis BIOLOGICAL RESOURCES

- a. Non-Disturbance Buffer. Fencing or flagging shall be installed at a 250-foot radius from the occupied burrow to create a buffer area where no work activities may be conducted. The non-disturbance buffer and fence line may be reduced to 160 feet if all project-related activities that might disturb burrowing owls would be conducted during the nonbreeding season (i.e., conducted September 1 through January 31).
 - b. Monitoring. If construction activities occur within 500 feet of the occupied burrow during the nesting season (February 1 to August 31), a qualified biologist shall monitor to determine whether these activities have the potential to adversely affect nesting efforts, and shall implement measures to minimize or avoid such disturbance.
2. A relocation plan if construction activities occur during the non-breeding season (occupied burrows may not be disturbed during the nesting season (February 1 to August 31) to avoid take under the Migratory Bird Treaty Act and California Fish and Game Code). The plan would:
- a. Include detailed methods and guidance for passive relocation of burrowing owls.
 - b. Describe monitoring and management of the replacement burrow site(s) and provide a reporting plan. The objective shall be to manage the sites for the benefit of burrowing owls, with the specific goals of maintaining the functionality of the burrows for a minimum of 2 years and minimizing weed cover.
 - c. Ensure that a minimum of two suitable, unoccupied burrows are available off site for every burrowing owl or pair of burrowing owls to be passively relocated.
3. Compensatory mitigation of habitat, within the onsite mitigation parcel or appropriate offsite mitigation site, if occupied burrows or territories occur within the permanent impact footprint. Ratios typically include a minimum of 19.5 acres per nesting burrow lost; however, habitat compensation ratios and location will be approved by CDFW and detailed in the burrowing owl relocation and mitigation plan.

3-2

Sensitive Plant Species Mitigation Plan. Prior to grading or construction, the City of Yucaipa shall develop a Sensitive Plant Species Mitigation Plan to mitigate for the loss of 8,080 (0.89 acre) 0.70-acre of Parry's spineflower plants through on-site preservation of habitat supporting 3,173 Parry's spineflower individuals (0.31 acre) within the 25-acre onsite mitigation area, introduction of Parry's spineflower within the onsite mitigation parcel, off-site acquisition of habitat, enhancement, creation, and/or dedication of habitat, payment of fees into a mitigation bank, or other appropriate measures to address the functions and values being impacted.

The plan will be prepared by a qualified restoration ecologist with experience developing mitigation plans for special-status plant species. The mitigation strategy will be developed in consultation with the Rancho Santa Ana Botanic Gardens or another qualified entity that has experience with the species. This mitigation plan is will to be prepared by a qualified restoration biologist and provide, at a minimum, the following information: (1) design

5. Environmental Analysis

BIOLOGICAL RESOURCES

~~modifications or minimization measures that are consistent with the project's purpose; (2) appropriate protection measures for any adjoining conserved land within the project site; (1) collection/salvage measures for seed and topsoil, to retain the seed bank and maximize success likelihood; (2) details regarding the transfer and/or temporary storage of seed and topsoil; (3) a suitable site location to function as the recipient site; (4) detailed site preparation and introduction techniques; (5) schedule for salvage and seeding; (6) a description of supplemental irrigation, if used; (7) success criteria; and (8) a detailed monitoring program, commensurate with the plan's goals. (3) an evaluation of salvage, transplantation, restoration, enhancement, or other appropriate mitigation techniques to determine the most appropriate mitigation measures to offset impacts; and (4) monitoring and adaptive management measures for the mitigated plant species. The onsite mitigation parcel/s shall be protected with a deed restriction or conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and California Department of Fish and Wildlife. The mitigation parcel/s. The mitigation site shall be monitored and maintained by a qualified biologist for five years or until the plants have become fully established and can survive without supplemental irrigation goals of the mitigation plan have been met.~~

~~The goal of the Sensitive Plant Species Mitigation Plan will be to compensate for the impacts to 0.70 acre through off-site acquisition of habitat, on-site preservation, enhancement, creation, and/or dedication of habitat, payment of fees into a mitigation bank, or other appropriate measures to address the functions and values being impacted.~~

3-3

Federal Migratory Bird Treaty Act. Mitigation for potential direct/indirect impacts to common and sensitive passerine and raptor species will require compliance with the federal Migratory Bird Treaty Act (MBTA). Construction outside the nesting season (between September 1 and January 31) does not require pre-removal nesting bird surveys. If construction is proposed between February 1 and August 31, a qualified biologist must conduct a nesting bird survey(s) no more than 14 days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the project site. Note that any nest permanently vacated for the season would not warrant protection pursuant to the MBTA.

The survey(s) will focus on identifying any raptors and/or passerines nests that are directly or indirectly affected by construction activities. If active nests are documented, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest shall be postponed until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present or that the young have fledged shall be submitted to the CDFW and City of Yucaipa prior to initiation of

5. Environmental Analysis BIOLOGICAL RESOURCES

grading in the nest-setback zone. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur.

3-4

Noise Reduction. If a) nesting birds are found onsite during pre-construction surveys and b) construction related impacts occur between January 31 and September 15, an acoustical consultant shall evaluate the construction equipment/phases and estimate noise levels anticipated during clearing, grubbing and grading activities. The acoustical consultant shall identify appropriate measures for reducing construction noise levels to below 60 dB(A) hourly Equivalent Continuous Noise Level or prevent any increases in the ambient noise levels at nesting location if existing noise levels are 60 dB(A) hourly or greater. Noise reduction measures may include operational adjustments, including:

- Stationary construction noise sources such as generators or pumps should be located at least 100 feet from sensitive land uses, as feasible.
- Construction staging areas should be located as far from noise sensitive land uses as feasible.
- During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.
- Idling equipment shall be turned off when not in use.
- Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

If noise reduction measures are required, bi-weekly monitoring of the nesting species shall be conducted by the qualified biologist to observe if the birds are being affected by construction activities. The acoustical consultant shall confirm through noise measurements that the noise reduction measures are effective at preventing noise levels in excess of 60 dB(A) hourly or an increase in ambient noise levels. Noise reduction measures are not required from September 16 through January 31.

Impact 5.3-2

3-5

Sensitive Habitat Mitigation Plan. Mitigation for impacts to alluvial fan sage scrub habitat within the project footprint shall be accounted for ~~with~~ through the on-site preservation, restoration, and/or enhancement and long-term management of an onsite mitigation parcel. Mitigation for impacts to alluvial safe scrub habitat will be implemented on-site at a minimum 1:1 ratio or greater, as determined in consultation with the California Department of Fish and Wildlife (CDFW). The onsite mitigation parcel shall be protected with a conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers

5. Environmental Analysis

BIOLOGICAL RESOURCES

and CDFW. Residual impacts that cannot be mitigated on-site shall be accomplished with off-site acquisition, preservation, rehabilitation, restoration, enhancement, and long-term management of alluvial fan sage scrub habitat at the Oak Glen Creek Flood Corridor Area upstream (east) of the project site between Bryant Street and Pendleton Road.

The City shall prepare a Sensitive Habitat Mitigation Plan for CDFW review and concurrence prior to grading or construction of the proposed project. The City shall be responsible for funding and implementing the plan. The goal of the Sensitive Habitat Mitigation Plan will be to compensate for the impacts to 25.19 acres of alluvial fan sage scrub through off-site acquisition of habitat; ~~on-site~~ preservation, enhancement, creation, and/or dedication of habitat at the onsite mitigation parcel; payment of fees into a mitigation bank; or other appropriate measures to address the functions and values being impacted.

The content of the Sensitive Habitat Mitigation Plan will address the responsibilities and qualifications of the personnel to implement and supervise the plan; incorporate pertinent site selection criteria; provide for the site preparation and planting implementation program if appropriate; provide a schedule for implementation, maintenance, and monitoring; detail maintenance plan and guidelines; detail the monitoring plan; and address long-term preservation.

Impact 5.3-3

3-6 **Jurisdictional Resources.** Prior to issuance of a grading permit, the applicant shall obtain a Section 404 permit authorization from the U.S. Army Corps of Engineers (Corps), a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). Impacts to Corps and CDFW resources would require mitigation through on-site habitat creation, restoration, enhancement, and/or preservation and long-term management within the constructed basin at a minimum 1:1 ratio in order for impacts to achieve no net loss of jurisdictional resources, as determined by a qualified restoration specialist in consultation with the regulatory agencies. The lake/emergent wetland is anticipated to be between 3.5 and 4 acres in size. If there are any residual impacts to streambeds and riparian habitat that cannot be mitigated on-site, these impacts shall be mitigated off-site at a minimum ratio of 1.5:1 at the City's El Dorado Ranch Park, Oak Glen Creek Flood Corridor Area, or other off-site location approved by the CDFW (e.g., mitigation banks or in lieu fee programs).

Specific mitigation and the specific location of mitigation lands shall be determined in consultation with the appropriate regulatory agencies in accordance with the requirements of the federal CWA, federal wetland policies, and California Fish and Game Code.

3-7 **Habitat Mitigation Monitoring Plan.** The City shall prepare a Habitat Mitigation Monitoring Plan (HMMP) for regulatory agencies review and concurrence. Impacts to U.S.

5. Environmental Analysis BIOLOGICAL RESOURCES

Army Corps of Engineers (Corps) and California Department of Fish and Wildlife (CDFW) resources shall be mitigated on-site or within the same watershed, if feasible. The goal of the HMMP will be to re-create the functions and values of the habitat being affected. These mitigation requirements will be outlined in the HMMP prepared for this project, with monitoring requirements and specific criteria to measure the success of the restoration. Guidelines for the HMMP shall include but not be limited to:

- The mitigation site(s) shall have been evaluated and selected on the basis of their suitability for use as riparian mitigation areas.
- The mitigation shall provide procedures to prepare soils in the mitigation area, provide detailed seeding/planting mixtures, provide seeding/planting methods, appropriate irrigation and other procedures that will be used for successful revegetation.
- Impacts to jurisdictional waters and wetlands shall be avoided to the extent feasible in the design phase of the project.
- Specific mitigation ratios and performance criteria shall be stated in the HMMP.
- Maintenance and monitoring requirements shall be established, including quarterly and annual monitoring reports to the Corps and CDFW.

The content of the HMMP will address the responsibilities and qualifications of the personnel to implement and supervise the plan; incorporate pertinent site selection criteria; provide for the site preparation and planting implementation program; provide a schedule for implementation, maintenance, and monitoring; detail maintenance plan and guidelines; detail the monitoring plan; and address long term preservation.

3-8 **Urban Runoff.** To reduce the potential for the indirect impacts from urban runoff, the project applicant shall implement the best management practices required by the National Pollutant Discharge Elimination System, administered by the Regional Water Quality Control Board.

3-9 **Storm Water Pollution Prevention Plan.** The City shall ensure that 1) the work limits are staked, fenced, and/or marked, with materials clearly visible to construction personnel to prevent encroachment upon sensitive vegetation communities; 2) no construction access, parking, or storage of equipment or materials will be permitted outside of these marked areas; 3) access roads and work areas shall be periodically sprayed with water to reduce the potential for dust accumulation on the leaves of adjacent sensitive vegetation communities not proposed for impacts; and 4) erosion and sediment control BMPs (i.e., silt fences, straw wattles, sand bags, etc.) should be implemented and installed during the proposed project to comply with all measures proposed in the Storm Water Pollution Prevention Plan.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Impact 5.3-4

3-10 **Wildlife Corridor Design and Urban Wildlands Interface Guidelines.** The following mitigation measures will be incorporated into final project designs to ensure the maintenance of habitat connectivity and reduce indirect impacts to wildlife movement associated with the proposed project:

- Wildlife movement routes through the project within both Wilson and Oak Glen Creeks will be maintained.
- No features will be used that would impede movement through the site by amphibians, reptiles, and small/large mammals.
- Realigned drainage features will have earthen bottoms, to the greatest extent feasible.
- Stormwater treatment systems will be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant material, or other elements that could degrade or harm downstream biological or aquatic resources.
- Night lighting associated with the proposed development that is adjacent to the realigned movement routes would be directed away to reduce potential indirect impacts to wildlife species.
- The landscape plans for the development shall avoid the use of invasive species for the portions of the development areas adjacent to the movement routes.
- Onsite culvert design will be consistent with existing structures at the confluence of Wilson Creek/Oak Glen Road and Oak Glen Creek/Bryant Street.

3-11 **Lighting Plan.** Lighting plans shall ensure that 1) direct lighting is shielded from residential areas and other light sensitive receptors; 2) direct lighting is shielded to the specific location intended for illumination (e.g., roads, walkways, or recreation fields); 3) non-essential lighting and stray light spillover is minimized; 4) low intensity lamps are used except when high intensity illumination is required, such as for a recreational field; and 5) night lighting shall not be used during the course of construction unless determined to be absolutely necessary. If night lighting is necessary, the lights shall be shielded to minimize temporary lighting of neighboring properties and realigned wildlife movement routes through the project site.

5.3.8 Level of Significance After Mitigation

Impact 5.3-1

Implementation of existing regulations and Mitigation Measures 3-1 through 3-4 would reduce impacts to sensitive species to less than significant levels. Although burrowing owl was not detected onsite during focused survey efforts, Mitigation Measure 3-1 requires a ~~30~~4-day burrowing owl preconstruction take

5. Environmental Analysis

BIOLOGICAL RESOURCES

~~avoidance~~ survey to ensure protection for this species and compliance with the conservation goals as outlined by the CDFW. The survey shall be conducted in compliance with CDFW guidelines, and a report of the findings prepared by a qualified biologist shall be submitted to CDFW and the City of Yucaipa prior to initiation of ground disturbing activities. A sensitive plant species mitigation plan would help offset impacts to approximately 0.89-acre of Parry's spineflower plants. Compliance with the MBTA would require implementation of nesting bird surveys and construction outside of the breeding season. And noise reduction measures would further reduce impacts to nesting birds. Overall, impacts to sensitive species would be less than significant upon implementation of these mitigation measures.

Impact 5.3-2

Implementation of the required sensitive habitat mitigation plan would offset impacts to approximately 90 acres of sensitive vegetation onsite (alluvial fan sage scrub, southern cottonwood riparian woodland, and southern sycamore riparian woodland) and reduce impacts to less than significant levels.

Impact 5.3-3

Per Mitigation Measure 3-6, implementation of habitat creation, restoration, enhancement, and/or preservation and long-term management within the proposed basin, El Dorado Ranch Park, Oak Glen Creek Flood Corridor Area, or other off-site location approved by the CDFW (e.g., mitigation banks or in lieu fee programs) would reduce impacts to jurisdictional resources to less than significant levels. Mitigation Measure 3-7 requires the City to prepare a habitat mitigation monitoring plan, and Mitigation Measures 3-8 and 3-9 require implementation of a project-specific stormwater pollution prevention plan and associated BMPs. Overall, implementation of these required mitigation measures would reduce impacts to less than significant levels.

Impact 5.3-4

To minimize impacts to wildlife movement, project designs detailed in Mitigation Measure 3-10 would ensure maintenance of habitat connectivity by maintaining existing wildlife movement routes through the site, requiring earthen bottoms in the realigned creeks, installing stormwater treatment systems, etc. Additionally, Mitigation Measure 3-11 requires implementation of a lighting plan that shields lighting from residential areas and other sensitive uses and minimizes nonessential lighting and stray light spillover. Compliance with existing regulations and mitigation measures would reduce impacts to wildlife corridors to less than significant levels.

5.3.9 References

California Department of Fish and Wildlife (CDFW). 2010, September. List of Vegetation Alliances and Associations. Vegetation Classification and Mapping Program, Sacramento, CA.

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5. Environmental Analysis

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