



DRAFT ENVIRONMENTAL IMPACT REPORT
LAFCO 3076



INTRODUCTION

2.0 INTRODUCTION AND PURPOSE

2.1 INTRODUCTION

The San Bernardino Valley Water Conservation District (Conservation District) was established in 1931 and operates under the Water Conservation District Law of 1931 (California Water Code Section 74000 *et seq.*). The mission of the Conservation District is to ensure recharge of the Bunker Hill Groundwater Basin in an environmentally and economically responsible way, using local native surface water to the maximum extent practicable.

The San Bernardino Valley Municipal Water District (Valley District) was established in 1954 with authority to manage water resources pursuant to its principal act. Valley District is a member of the State Water Project with a contractual allocation of up to 102,600 acre-feet of State Water Project water per year.

In November 2006, Valley District submitted an application to Local Agency Formation Commission (LAFCO) for San Bernardino County requesting the consolidation of the two districts described above; the Conservation District and Valley District. LAFCO assigned this application a proposal tracking number, LAFCO 3076, for processing purposes. Thus, the action being considered in this environmental document is “LAFCO 3076 – Consolidation of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District.” If the Commission approves the Consolidation and the voters within the Conservation District do not oppose, the Conservation District would cease to exist as a separate entity and its current functions would be consolidated with those of Valley District for future implementation. Refer to Chapter 3.3, *Background and History*, for further information related to the history and a more detailed project description.

2.2 PURPOSE

The purpose of this Draft EIR is to review the existing conditions and analyze the potential physical environmental impacts. This document identifies the potential environmental impacts of the proposed project. As discussed in Chapter 3.0, *Project Description*, it is assumed that there would be no new facilities proposed by Valley District, related to LAFCO 3076, which would result in physical changes to the environment. The potential impacts identified by the Conservation District (and other interested parties) primarily relate to transfer of water rights and/or changes in operations, in comparison to the existing operations of the Conservation District (see below, Section 4.0 and Appendix A, *Initial Study/NOP* for specific areas of concern).

It is the intent of this EIR to identify potential environmental impacts associated with the project. This EIR will be used by LAFCO, other responsible agencies, and interested parties to evaluate the environmental impacts of the proposed project (refer to *Agreements, Permits, and Approvals* in Chapter 3.0, *Project Description*, for a list of responsible agencies and project approvals).

2.3 COMPLIANCE WITH CEQA

The San Bernardino County LAFCO (“LAFCO”) is the lead agency under CEQA and is responsible for preparing the EIR for the proposed project.

This EIR has been prepared in conformance with the *CEQA Statutes* and the *CEQA Guidelines*, as amended through January 2008, in addition to LAFCO’s Environmental Review Guidelines (as amended January 18, 1995). This document has been prepared as an EIR and this document will serve as the comprehensive compliance with CEQA. This EIR evaluates the issues and impacts identified as potentially significant (or warranting further analysis in an EIR) in the Initial Study dated September 2007, in addition to issues identified in the scoping meetings, during the course of project research, and responses to the Notice of Preparation (refer to Appendix A, *Initial Study/NOP*).

LAFCO has decided to prepare an EIR as the CEQA document for LAFCO 3076, based on preliminary review of available information and public comments on the IS/NOP. As part of the environmental review process, the EIR is subject to a 45-day public review period by responsible and concerned agencies and interested parties. Following this period, responses to comments received from these agencies and interested parties will be prepared. The Final EIR will consist of this Draft EIR, or a revision of this draft, as well as comments received on the EIR and the responses to those comments.

2.4 PUBLIC SCOPING PROCESS

This EIR was prepared in accordance with CEQA and LAFCO policies and practices. As part of the EIR process, LAFCO complied with the CEQA requirement for an NOP, formally initiating the CEQA process and seeking public input. Although not required by CEQA or LAFCO procedures, LAFCO elected to hold a public scoping meeting to provide an additional opportunity for public input.

2.4.1 NOTICE OF PREPARATION

Pursuant to state *CEQA Guidelines* and LAFCO procedures, LAFCO initiated the environmental review process and distributed an NOP for the proposed project on September 7, 2007. The NOP was prepared and distributed to seek public input regarding the potential environmental impacts of the proposed project (refer to Appendix A, *Initial Study/NOP*). The comment period closed on October 8, 2007, following the State-mandated 30-day NOP review period. The formal CEQA scoping process (including the NOP documentation and scoping meeting) provided an opportunity for government agencies and interested parties, including the public, to provide written and verbal comments regarding potential issues related to and scope of the proposed project.

2.4.1.1 NOP Response Letters

Issues identified in the responses to the NOP included the following (refer to Appendix A, *Initial Study/NOP*, for a full copy of all response letters):

- A reduction in the volume of groundwater recharged to the Bunker Hill Basin based on Valley District’s commitments in a Memorandum of Understanding between Valley District, Western, and the City of Riverside;

- A claim that consolidation would have the effect of reducing available diversions from the Santa Ana River for recharge from 39,600 acre-feet per year to 10,400 acre-feet per year;
- Degradation of water quality due to the import of State Water Project water by Valley District;
- Indirect changes in groundwater management may impact in-stream flows, contaminant plumes and biological resources;
- Replacement of groundwater assessment with property taxes, eliminating incentive to limit groundwater withdrawals;
- Possible delays in or failure to implement the Upper Santa Ana River Wash Land Management Plan (Plan B), a major project to balance mining, water conservation, and habitat conservation for endangered species;
- A reduction in the volume of surface water in the Santa Ana River between Seven Oaks Dam and the Cuttle Weir;
- The transfer of Mill Creek water rights to the "historic water rights holders";
- The transfer of operational control of the Mill Creek recharge facilities to the City of Redlands; and,
- A new agency is appointed to perform the Conservation District's Project Manager duties for the Santa Ana River-Mill Creek Cooperative Water Project.

2.4.1.2 Public Scoping Meeting

A public scoping meeting was conducted by LAFCO during the 30-day NOP public review period to provide the public and government agencies information on the proposed project and the CEQA process, as well as providing an additional opportunity to identify environmental issues and alternatives for consideration in the Draft EIR. The public scoping meeting, attended by 15 persons, was held on the following date and at the following location:

September 26, 2007 at 3:30 PM
Joshua Room, County Government Center
385 North Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

As described further in Section 3.3, *Background and History* and as shown in Appendix A, *Initial Study/NOP*, issues raised at the public scoping meeting were similar to issues identified in formal comment letters received on the IS/NOP.

In addition to the formal CEQA public scoping process, LAFCO has provided the applicant (Valley District) and Conservation District with the opportunity to review and comment upon the proposed EIR Project Description, as well as proposed CEQA significance thresholds and range of alternatives. LAFCO met with both agencies on March 13, 2008 to discuss the proposed Project Description, and received input from the agencies that has been substantially reflected in the Draft EIR.

2.5 DEIR ORGANIZATION

This EIR addresses potential significant impacts in the following areas, based on issues identified in the NOP as warranting further analysis in an EIR. The DEIR is organized into 9 chapters:

- Chapter 1.0 (*Executive Summary*), provides a brief project description and summary of the environmental impacts, and the mitigation measures for each impact.
- Chapter 2.0 (*Introduction and Purpose*), provides CEQA compliance information.
- Chapter 3.0 (*Project Description*), provides a detailed project location, background and history, project characteristics, project objectives, intended uses of the EIR and anticipated public agency actions. The Project Description also describes the character of the project area, including the physical setting and surrounding land uses.
- Chapter 4.0 (*Environmental Impact Analysis*), discusses the existing conditions for each environmental issue area. This section describes the methodology for significance determination and identifies short-term and long-term environmental impacts associated with the project and their level of significance before mitigation, and if necessary, provides recommended feasible mitigation measures to reduce the significance of impacts and identifies areas of unavoidable significant impacts after mitigation.
 - Agricultural Resources (Section 4.1)
 - Biological Resources (Section 4.2)
 - Hydrology, Water Quality, and Water Supply (Section 4.3)
 - Land Use and Relevant Planning (Section 4.4)
 - Mineral Resources (Section 4.5)
 - Utilities and Service Systems (Section 4.6)
- Chapter 5.0 (*Long Term Implications of the Proposed Project*), discusses the significant environmental changes that would be involved in the proposed action, should it be implemented and cumulative impacts associated with future buildout on concurrent surrounding projects.
- Chapter 6.0 (*Alternatives*), describes alternatives to the project, some of which may be considered during project deliberations.
- Chapter 7.0 (*Effects Found Not To Be Significant*), provides an explanation of potential impacts which have been determined not to be significant in the NOP.
- Chapter 8.0 (*Organizations and Persons Consulted*), identifies the co-lead agencies, preparers of the EIR, all federal, state and local agencies and other organizations and individuals consulted during the preparation of the EIR.
- Chapter 9.0 (*Bibliography*), identifies reference sources utilized for the EIR.
- *Appendices* contains the NOP (which includes the Initial Study), Public Scoping Meeting Minutes, the Plan for Service ("proposed project"), and select reference documents.

2.6 USE OF THE EIR

This EIR is part of the environmental review for the proposed project. It is the intent of this EIR to enable LAFCO and other responsible agencies and interested parties to evaluate the environmental impacts of the proposed project.

It is not the purpose of this EIR to recommend either approval or denial of a project; it is solely an informational document that would be used by LAFCO, responsible and trustee agencies, and the general public in the planning and decision-making process for the proposed project.

2.7 INCORPORATION BY REFERENCE

In accordance with *CEQA Guidelines*, Sections 15148 and 15150, this EIR incorporates pertinent reference documents and other relevant information provided by individuals considered experts in their field, regarding the potential for the proposed project to result in environmental impacts. These references are cited and incorporated within the EIR in lieu of and to eliminate the need for the inclusion of large engineering and other documentation within this document. The references to these documents are contained in Chapter 9.0, *Bibliography*. These documents are also available for viewing at LAFCO and Valley District offices.

2.7.1 DOCUMENTS INCORPORATED BY REFERENCE

County of San Bernardino General Plan (General Plan) Final EIR, March 13, 2007 (SCH# 2005101038)

Information contained within the County of San Bernardino General Plan (General Plan) EIR, certified in March 2007, was incorporated within Section 5.3, *Cumulative Impacts* of the proposed Project EIR. The General Plan provides developmental policies and guidelines regarding the cumulative buildout of the region within and surrounding the proposed project¹.

Santa Ana River Water Right Applications for Supplemental Water Supply Final EIR, March 21, 2007 (SCH#2002071062)

The Santa Ana River Water Rights EIR was certified on March 21, 2007. Aspects of this document utilized in the preparation of the proposed Project EIR include alternatives to water supply sources, water quality, potential effects of SAR diversions, as well as a cumulative list of other water diversion applications currently pending with the State Water Resources Board. Excerpts of this Final EIR are included in Appendix E, and additional information can be found on Valley District's website².

¹ http://www.sbcounty.gov/sbcountygeneralplan/env_process.html (retrieved March 10, 2008).

² http://www.sbvmd.com/final_eir_updated_community_report (retrieved March 10, 2008).

Upper Santa Ana River Wash Land Management and Habitat Conservation Plan Draft EIR (Wash Plan), March 21, 2008 (SCH#2004051023)

References within the Wash Plan pertaining to the existing biological conditions of the region within and surrounding the proposed Project site were incorporated within Section 4.2 *Biological Resources* of this EIR. Additional information is available at Conservation District's website³.

2.7.2 PROJECT TECHNICAL STUDIES

Because the Project is not anticipated to result in any physical impacts and no physical construction is proposed, no Project-specific technical studies were conducted. However, extensive background information is available, as referenced throughout this EIR. As a convenience to the reader, this EIR Appendices provide excerpts of certain relevant reference materials, as listed in the Table of Contents. In particular, the following document was recently completed by Valley District and is directly relevant to LAFCO 3076:

Integrated Regional Water Management Plan (IRWMP), November 2007.

Aspects regarding present and future water management issues within the Upper Santa Ana River (SAR) watershed, which include resources within Valley District, were included in Section 5.3, *Cumulative Impacts* of this EIR. In addition, the IRWMP provides an excellent summary of the complex physical and regulatory conditions relating to the Upper SAR watershed, including summaries of various water-related agreements, judgments and similar documents that constrain activities by Valley District and other water agencies. Excerpts of the IRWMP are included in Appendix F, and additional information can be found on Valley District's website⁵.

³ <http://www.sbvwd.dst.ca.us/projects/plan-b.shtml> (retrieved March 10, 2008).

⁵ http://www.sbvwd.com/integrated_regional_groundwater_management_plan/ (retrieved March 10, 2008).