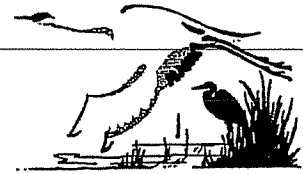


# TOM DODSON & ASSOCIATES

2150 N. ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92405  
TEL (909) 882-3612 • FAX (909) 882-7015  
E-MAIL tda@tstonramp.com



November 18, 2001

Mr. Rich Haller  
SAWPA  
11615 Sterling Avenue  
Riverside, CA 92503

Dear Mr. Haller:

Mr. Garth Morgan of Inland Empire Utilities Agency (IEUA) contacted me and requested that I provide a response to the data request by EIP Associates (EIP) memorandum of November 8, 2001 regarding the CEQA Documentation for the Implementation of Storm Water and Imported Water Recharge at 20 Recharge Basins in the Chino Basin. EIP has requested some clarification and documentation to support the environmental review conducted by IEUA on behalf of several agencies, including the Chino Basin Watermaster, Chino Basin Water Conservation District and the San Bernardino County Flood Control District. The following information responds to EIP's requests in the order presented in the November 8, 2001 memorandum.

1. *Documentation of any consultation with interested/responsible agencies*

Attachment A provides a copy of the letter of transmittal, the list of interested and responsible agencies that received a copy of the Initial Study and a copy of the published/noticed agenda for the IEUA Board hearing when the proposed project was approved. It is important to keep in mind that the Recharge Basin project evaluation was conducted under Sections 15162 and 15168 of the State CEQA Guidelines. Copies of these two sections of the guidelines are attached (Attachment B) for information. Fundamentally, the Initial Study evaluated whether the proposed recharge projects are consistent with and fall within the scope of the Optimum Basin Management Program Program Environmental Impact Report, certified by IEUA in July, 2000. Under the procedures outlined in Sections 15162 and 15168, certain items, such as consultation with the State Clearinghouse is not required. Regardless, as the attached list illustrates, over 100 copies of the environment determination for the Recharge Basin project were distributed to the interested parties and responsible agencies.

2. *Notice of Completion/Transmittal Letter (to State Clearinghouse)*

The only transmittal letter is provided in Attachment A. As noted above, the process under Sections 15162 and 15168 only require recirculation of a second tier environmental document if the second tier project, in this case the recharge basin activities, is not within the scope of the original EIR, which in this case is the OBMP PEIR. The Initial Study prepared in compliance with Sections 15162 and 15168 concluded that the proposed project is within the scope of the OBMP PEIR, therefore,

no requirement existed to file a notice of completion or a transmittal letter, other than the transmittal letter contained in Attachment A. If EIP desires, all of these materials can be provided for the OBMP PEIR, but this would seem to be unnecessary since the OBMP PEIR was certified in 2000 by the IEUA Board.

3. *Notice(s) of Availability (e.g., transmittal letters, newspaper advertisements)*

Again, please refer to responses to items 1 and 2 above. The only transmittal letter is provided as part of Attachment A. There was no requirement to publish a Notice of Availability for this second tier project.

4. *Correspondence received during the review period.*

A copy of the correspondence received during the review period is provided as Attachment C to this letter.

5. *Responses to Comments received during public review period (which may be included in agency approval documents)*

A copy of the responses to comments is provided as Attachment C to this letter.

6. *Findings*

A copy of the letter of transmittal to the IEUA Board is provided as Attachment D to this letter; and a copy of the IEUA Staff report, Board minutes and Notice of Determination are provided as Attachment D to this letter.

7. *Record of Agency Decision*

A copy of the Board minutes and Notice of Determination are provided as Attachment D to this letter.

8. *Mitigation Monitoring Program from the OBMP Final EIR*

Attachment E contains a copy of the Mitigation Monitoring Program for the OBMP Final PEIR.

9. *Notice of Intent to Adopt a Negative Declaration*

A negative declaration was not adopted for the recharge basin project, therefore, no Notice of Intent to Adopt a Negative Declaration was required or published. The transmittal letter and the Board Agenda (see Attachment A) for the hearing on the recharge basin environmental determination were distributed publicly and are the only requirements under the CEQA process for a decision under Section 15168 of the State CEQA Guidelines.

10. *Executive Summary from the OBMP Final EIR*

Attachment F contains a copy of the Executive Summary from the OBMP Final EIR.

11. *Clarification of the number of basins, the number of locations, and what types of locations are involved, should be provided.*

There were 20 basins (including the College Heights quarries as a single "basin" location) identified in the Recharge Master Plan prepared by the Watermaster. Thus, the Initial Study identified 20 basins for consideration. However, two basins were eliminated from further consideration in the Initial Study. The Turner Basin No. 1 was eliminated because it had already undergone CEQA review with the Chino Basin Water Conservation District serving as the lead agency. The RP-3 Basin was removed from further consideration because it is a separate project being carried out by the IEUA, but it involves constructing a new basin (none currently exists) at a location with known groundwater contamination. Therefore, it was eliminated because it did not fall within the scope of the OBMP PEIR. Thus, 17 existing basins plus the College Heights quarries constitute the total project approved by the IEUA Board.

I believe that this package responds to all of the questions in EIP's memorandum. Should you have any additional questions, please feel free to give either Garth or me a call.

Sincerely,



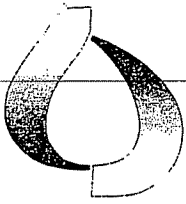
Tom Dodson

Attachment

cc: Garth Morgan

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**ATTACHMENT A**  
**Transmittal Letter**  
**and**  
**List of Interested Parties and Responsible Agencies**  
**Consulted**



**Inland Empire**  
UTILITIES AGENCY\*

9400 Cherry Ave., Bldg. A • Fontana, CA 92335  
P.O. Box 697 • Rancho Cucamonga, CA 91729  
TEL (909) 357-0241 • FAX (909) 357-3884  
[www.ieua.org](http://www.ieua.org)  
A Municipal Water District

Richard W. Atwater  
Chief Executive Officer  
General Manager

September 21, 2001

Board of Directors

Stockholders  
Chino Basin Watermaster

John L. Anderson  
President

Re: **Public Hearing October 3, 2001 – Finding of Consistency “Initial Study for the Implementation of Storm Water and Imported Water Recharge at 20 Recharge Basins in Chino Basin.”**

Terry Catlin  
Vice President

Dear Stockholder:

Anne W. Dunihue  
Secretary/Treasurer

Inland Empire Utilities Agency (IEUA)—in cooperation with the Chino Basin Watermaster (Watermaster) is pleased to provide you with this copy of the “Initial Study for the Implementation of Storm Water and Imported Water Recharge at 20 Recharge Basins in Chino Basin” for your review and comment. A public hearing will be held in conjunction with the regularly scheduled IEUA Board meeting, October 3, 2001, regarding the Initial Study.

Wyatt L. Troxel  
Director

The Initial Study is part of the supportive documents for the Completed SAWPA Project Authorization/Contracting Form for SCIWP Funding for Chino Basin Facilities Improvements for Storm Water and Imported Water Recharge which was submitted to SAWPA, September 21, 2001.

Gene Koopman  
Director

Your support for the Initial Study and the proposed redevelopment of the 20 recharge basin sites will help to move forward the enhancement of Basin water supplies, protect and enhance Basin water quality, and enhance the management of the Basin. We are ready to move forward with you to make these projects a reality.

Sincerely,  
INLAND EMPIRE UTILITIES AGENCY

Richard W. Atwater  
Chief Executive Officer  
General Manager

RWA:TS:GRM:bk

Enclosure

G:\WRISAWPA Applications\SAWPA SCIMP Application\2001 0921 IEUA Ltr to Stockholders - Initial Study 20 Recharge Basins.doc

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**ATTACHMENT B**  
**Copy of Section 15162**  
**and**  
**Section 15168**  
**State CEQA Guidelines**

(b) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project described in subsection (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21096, Public Resources Code.

## Article 11. Types of EIRs Sections 15160 to 15170

### 15160 General

This article describes a number of examples of variations in EIRs as the documents are tailored to different situations and intended uses. These variations are not exclusive. Lead agencies may use other variations consistent with the guidelines to meet the needs of other circumstances. All EIRs must meet the content requirements discussed in Article 9 beginning with Section 15120.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21061, 21100, and 21151, Public Resources Code.

### 15161 Project EIR

The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21061, 21100, and 21151, Public Resources Code.

### 15162 Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project was approved, any of prior to the occurrence

of the conditions described in subsection (a) occurs, a the subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Note: Authority cited: Public Resources Code Sections 21083 and 21087. Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal. App.3d 1065 (1986); and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467 (1991); and *Fort Mojave Indian Tribe v. California Department of Health Services et al.* (1995) 38 Cal.App.4th 1574

Discussion: This section implements the requirements in Section 21166 of CEQA which limit preparation of a subsequent EIR to certain situations. This section provides interpretation of the three situations in which the statute requires preparation of a subsequent EIR. These interpretations are necessary to add certainty to the process.

This section also clarifies that a subsequent EIR may be prepared where a negative declaration had previously been adopted. Further, a subsequent negative declaration may be adopted where none of the situations described in subsection (a) have occurred.

Subsections (b) and (c) explain which agency would have responsibility for preparing a subsequent EIR under different circumstances. A subsequent EIR must, of course, receive the same circulation and review as the previous EIR.

*Fund for Environmental Defense v. Orange* (1988) 204 Cal.App.3d 1538, contains a discussion of the application of §15162 and §15163. The Court in *Bowman v. Petaluma* (1986) 185 Cal.App.3d 1065 distinguished requirements for a subsequent EIR from the threshold required for initial EIR preparation, saying "whereas §15064 (§21151 PRC) requires an EIR if the initial project may have a significant effect on the environment, §15162 (§21166 PRC) indicates a quite different intent, namely, to restrict the powers of agencies by prohibiting them from requiring a subsequent or supplemental EIR unless "substantial changes" in the project or its circumstances will

15167 Staged EIR

- (a) Where a large capital project will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the public agency for approval shall be discussed with a greater degree of specificity.
- (b) When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.
- (c) Where a statute such as the Warren-Alquist Energy Resources Conservation and Development Act provides that a specific agency shall be the lead agency for a project and requires the lead agency to prepare an EIR, a responsible agency which must grant an approval for the project before the lead agency has completed the EIR may prepare and consider a staged EIR.
- (d) An agency requested to prepare a staged EIR may decline to act as the lead agency if it determines, among other factors, that:
  - (1) Another agency would be the appropriate lead agency; and
  - (2) There is no compelling need to prepare a staged EIR and grant an approval for the project before the appropriate lead agency will take its action on the project.

**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21003, Public Resources Code.

**Discussion:** The staged EIR was developed as a device to deal with the problem of a large development project which would require many years for planning, engineering, and construction but would need a number of approvals from public agencies before the final plans for the project would be available. Where those final plans would not be available, the Lead Agency preparing an EIR for one of the early approvals would have difficulty providing enough information about the project to evaluate the effects of the entire project as would otherwise be required.

The device of the staged EIR provides a special relaxation of the requirement for the EIR on a development project to examine the entire project in detail. To make up for this lack of detail with the early approval, the section requires preparation of a supplement with later approvals when additional information becomes available. The section also allows this device to be used in the troublesome situation where an agency with limited control over the project is asked to grant the first approval for the project long before the normal Lead Agency would be called upon to act. The Responsible Agency needs some document to use in order to comply with CEQA. At the same time, due to its limited control over the project, it would not be a prime candidate for being Lead Agency. This approach allows the Responsible Agency to do a limited EIR examining the effects of its approval but noting in a general way the larger scope of the project and the general environmental effects expected.

15168 Program EIR

- (a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
  - (1) Geographically,
  - (2) As logical parts in the chain of contemplated actions,
  - (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
  - (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.
- (b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:
  - (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
  - (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
  - (3) Avoid duplicative reconsideration of basic policy considerations,
  - (4) Allow the lead agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts,
  - (5) Allow reduction in paperwork.

- (c) Use with Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
  - (1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.
  - (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.
  - (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
  - (4) Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.
  - (5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.
- (d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:
  - (1) Provide the basis in an initial study for determining whether the later activity may have any significant effects.
  - (2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
  - (3) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.



(e) Notice with Later Activities. When a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that:

- (1) This activity is within the scope of the program approved earlier, and
- (2) The program EIR adequately describes the activity for the purposes of CEQA.

**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21003, Public Resources Code; *County of Inyo v. Yorty*, 32 Cal.App.3d 795 (1973).

**Discussion:** The program EIR is a device originally developed by federal agencies under NEPA. Use of this approach was recommended for CEQA in the court decision of *County of Inyo v. Yorty* cited in the note.

The detailed description of the permissible uses of this document are provided in an effort to encourage its use. The program EIR can be used effectively with a decision to carry out a new governmental program or to adopt a new body of regulations in a regulatory program. The program EIR enables the agency to examine the overall effects of the proposed course of action and to take steps to avoid unnecessary adverse environmental effects.

Use of the program EIR also enables the Lead Agency to characterize the overall program as the project being approved at that time. Following this approach when individual activities within the program are proposed, the agency would be required to examine the individual activities to determine whether their effects were fully analyzed in the program EIR. If the activities would have no effects beyond those analyzed in the program EIR, the agency could assert that the activities are merely part of the program which had been approved earlier, and no further CEQA compliance would be required. This approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection.

#### 15169 Master Environmental Assessment

(a) General. A public agency may prepare a master environmental assessment, inventory, or data base for all, or a portion of, the territory subject to its control in order to provide information which may be used or referenced in EIRs or negative declarations. Neither the content, the format, nor the procedures to be used to develop a master environmental

assessment are prescribed by these guidelines. The descriptions contained in this section are advisory. A master environmental assessment is suggested solely as an approach to identify and organize environmental information for a region or area of the state.

(b) Contents. A master environmental assessment may contain an inventory of the physical and biological characteristics of the area for which it is prepared and may contain such additional data and information as the public agency determines is useful or necessary to describe environmental characteristics of the area. It may include identification of existing levels of quality and supply of air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location.

(c) Preparation.

(1) A master environmental assessment or inventory may be prepared in many possible ways. For example, a master environmental assessment may be prepared as a special, comprehensive study of the area involved, as part of the EIR on a general plan, or as a data base accumulated by indexing EIRs prepared for individual projects or programs in the area involved.

(2) The information contained in a master environmental assessment should be reviewed periodically and revised as needed so that it is accurate and current.

(3) When advantageous to do so, master environmental assessments may be prepared through a joint exercise of powers agreement with neighboring local agencies or with the assistance of the appropriate Council of Governments.

(d) Uses.

(1) A master environmental assessment can identify the environmental characteristics and constraints of an area. This information can be used to influence the design and location of individual projects.

(2) A master environmental assessment may provide information agencies can use in initial studies to decide whether certain environmental effects are likely to occur and whether certain effects will be significant.

(3) A master environmental assessment can provide a central source

of current information for use in preparing individual EIRs and negative declarations.

(4) Relevant portions of a master environmental assessment can be referenced and summarized in EIRs and negative declarations.

(5) A master environmental assessment can assist in identifying long range, areawide, and cumulative impacts of individual projects proposed in the area covered by the assessment.

(6) A master environmental assessment can assist a city or county in formulating a general plan or any element of such a plan by identifying environmental characteristics and constraints that need to be addressed in the general plan.

(7) A master environmental assessment can serve as a reference document to assist public agencies which review other environmental documents dealing with activities in the area covered by the assessment. The public agency preparing the assessment should forward a completed copy to each agency which will review projects in the area.

**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21003, Public Resources Code.

**Discussion:** The Master Environmental Assessment was developed as a way of providing a data base for use with later EIRs. If an agency prepared a Master Environmental Assessment, the agency could reduce the amount of work necessary to prepare later EIRs. The environmental setting would have been fully analyzed, and the likely environmental effects in the area could be anticipated. Thus, the Master Environmental Assessment could help focus initial studies as well as EIRs.

#### 15170 Joint EIR-EIS

A lead agency under CEQA may work with a federal agency to prepare a joint document which will meet the requirements of both CEQA and NEPA. Use of such a joint document is described in Article 14, beginning with Section 15220.

**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21083.5 and 21083.7, Public Resources Code.

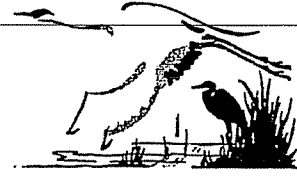
**Discussion:** This section identifies the joint EIR-EIS as a special type of EIR. This special treatment is appropriate because many unusual steps would be required in order to meet the requirements of NEPA as well as CEQA. These steps may include formal

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**ATTACHMENT C**  
**Correspondence Received**  
**and**  
**Responses Provided**

# TOM DODSON & ASSOCIATES

2150 N. ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92405  
TEL (909) 882-3612 • FAX (909) 882-7015  
E-MAIL tda@tstonramp.com



October 9, 2001

Mr. Garth Morgan  
Inland Empire Utilities Agency  
9400 Cherry Avenue, Bldg. A  
Fontana, CA 92335

Dear Garth:

In accordance with the California Environmental Quality Act (CEQA) procedures, I am transmitting this completed package of information for the Inland Empire Utilities Agency (IEUA or Agency). The responses to comments represent part of the administrative record used when the Inland Empire Utilities Agency determined that the proposed recharge project was determined to be consistent with the content and findings in the Optimum Basin Management Program Program Environmental Impact Report (OBMP PEIR) as the appropriate environmental determination for compliance with CEQA on the project. The Agency and Watermaster distributed the Initial Study that substantiates this finding to the total list a list stakeholders (see attached copy of distribution list) as committed to in the OBMP PEIR. This final package consists of the Initial Study; the comment letters and responses to the comments; the mitigation monitoring and reporting program (MMRP); and any other staff reports or information that the Agency Staff compiled in support of a decision to allow construction and operation of the proposal for storm water and imported water recharge at the 19 basins proposed for this purpose.

The Agency received four comment letters on the Initial Study and proposed finding. These commenting agencies were:

- City of Fontana
- Jurupa Community Services District
- Orange County Water District
- City of Rancho Cucamonga

Working with Agency Staff and legal counsel, responses to all comments have been prepared and are included in the attached package, as is a copy of the Initial Study and the MMRP. Relying on this total package of information, it is my recommendation that, based on the whole of the record before the Agency, the proposed project can be implemented in a manner that is fully consistent with the facts and findings in the OBMP PEIR. Filing of a Notice of Determination to this effect is justified based on the findings in this total information package.

This package has been independently reviewed by the Agency Staff and myself on behalf of the IEUA. Should you have any questions, please feel free to give me a call.

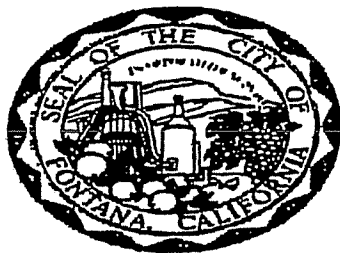
Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson  
Attachments

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**COMMENT LETTERS  
AND  
RESPONSES TO COMMENTS**



City of Fontana  
CALIFORNIA

October 3, 2001

Mr. Richard W. Atwater  
Chief Executive Officer/General Manager  
Inland Empire Utilities Agency  
9400 Cherry Avenue, Building A  
Fontana, CA 92335

RE: The "Initial Study for the Implementation of Storm Water and Imported Water Recharge at 20 Recharge Basins in Chino Basin"

Dear Sir:

Thank you for the opportunity to review and comment on the above referenced Initial Study concerning the implementation of storm water recharge at twenty (20) recharge basins in the Chino Basin.

1-1

The City of Fontana has no comments(s) at this time regarding this project.

If you have any questions, please contact Mike Norton on my staff at (909) 350-6658.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division

*Debbie M. Brazill*  
Debbie M. Brazill  
Planning Manager

DB:MN:mm

---

**RESPONSES TO COMMENT LETTER #1  
CITY OF FONTANA**

- 1-1 Your comment is noted and was entered into the administrative record for the proposed project.

Donald D. Galleano, Director  
Paul E. Hamrick, Director  
James C. Huber, Director  
Curtis W. Hummel, Director  
Kenneth J. McLaughlin, Director



October 2, 2001

Mr. Richard Atwater  
Inland Empire Utilities Agency  
P.O. Box 697  
Rancho Cucamonga, CA 91729

Re: PUBLIC HEARING OCTOBER 3, 2001 – FINDING OF  
CONSISTENCY "INITIAL STUDY FOR THE IMPLEMENTATION OF  
STORM WATER AND IMPORTED WATER RECHARGE AT 20  
RECHARGE BASINS IN CHINO BASIN."

Dear Mr. Atwater:

2-1 Thank you for the opportunity to review the above referenced study. There is one inconsistency that we would like to bring to your attention. Listed under "Mitigation Measures" on page 63, Section 4.5-8, the mitigation for recycled water does not apply to the implementation of storm water and imported water recharge. Therefore, we feel this section should be removed.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Carole McGreevy".

Carole A. McGreevy  
General Manager

2210.02 D.Project/or

---

**RESPONSES TO COMMENT LETTER #2  
JURUPA COMMUNITY SERVICES DISTRICT**

- 2-1 Your comment is noted and was entered into the administrative record for the proposed project. Mitigation measures cited for recycled water recharge have been eliminated from the project because they do not apply as recycled water will not be recharged under this proposed project.



Officers

JERRY A. KING  
President

KATHRYN L. BARR  
First Vice President

LAWRENCE P. KRAEMER  
Second Vice President

WILLIAM F. MILLS JR.  
General Manager

CLARK IDE  
General Counsel

JANICE DURANT  
District Secretary

Directors

- PHILIP L'ANTHONY
- WES BANNISTER
- KATHRYN L. BARR
- DENIS R. BILODEAU
- JAN DEBAY
- JAN M. FLORY
- BRETT FRANKLIN
- JERRY A. KING
- LAWRENCE P. KRAEMER JR.
- IRV PICKLER



# ORANGE COUNTY WATER DISTRICT

October 2, 2001

Mr. Richard W. Atwater  
 Inland Empire Utilities Agency  
 P.O. Box 697  
 Rancho Cucamonga, CA 91729-0697

Subject: Comments on Initial Study For Implementation of Storm Water and Imported Water Recharge In Chino Basin

Dear Mr. Atwater:

The Orange County Water District (OCWD) received a copy of the "Initial Study For The Implementation Of Storm Water And Imported Water Recharge At 20 Recharge Basins In Chino Basin" prepared for the Inland Empire Utilities Agency by Tom Dodson & Associates dated September 2001.

On page 6, the Initial Study states, "To restate, recycled water improvements and recharge operations are not being considered in this document. The recharge of recycled water has unique regulatory and water quality issues, and an evaluation of the recycled water issue is beyond the scope of this proposed project and environmental evaluation."

OCWD has the following comments:

3-1

- On page 63, mitigation measures 4.5-8 and 4.5-15 from the Optimum Basin Management Plan (OBMP) are mentioned and these mitigation measures address recycled water recharge. Based on the statement on page 6 of the Initial Study that "...recycled water improvements and recharge operations are not being considered in this document." it is not clear why mitigation measures 4.5-8 and 4.5-15 are included in the Initial Study. Please clarify whether mitigation measures 4.5-8 and 4.5-15 are required for the storm water and imported water recharge.

3-2

- Many of the figures refer to recycled water pipelines and inlet structures. For example, Figures 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 refer to recycled water pipelines and inlet structures. Based on the statement on page 6 of the Initial Study that "...recycled water improvements and

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**RESPONSES TO COMMENT LETTER #3  
ORANGE COUNTY WATER DISTRICT**

- 3-1 Your comment is noted and was entered into the administrative record for the proposed project. Mitigation measures cited for recycled water recharge have been eliminated from the project because they do not apply as recycled water will not be recharged under this proposed project. Measures 4.5-8 and 4.5-15 do not apply to storm water or imported water recharge.
- 3-2 The Recharge Master Plan was the source of the figures used in the Initial Study. The Recharge Master Plan includes the future recharge of recycled water, and it was not possible to modify the graphics to remove the facilities related to recycled water recharge. This is the reason that the Initial Study clearly stated that recycled water recharge would not be implemented under the action considered in the document. The recycled water facilities are not required for storm water and imported water recharge activities. The Inland Empire Utilities Agency is in the process of preparing a separate environmental document to evaluate possible recharge of recycled water, but this issue was not yet ready for evaluation and consideration.

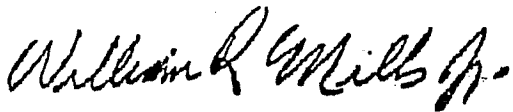
Mr. Richard Atwater  
October 2, 2001  
Page 2 of 2

3-2  
cont.

↑ recharge operations are not being considered in this document." it is not clear why recycled water pipelines and inlet structures are shown on these figures. Please clarify whether the recycled water pipelines and inlet structures are required for storm water and imported water recharge.

OCWD looks forward to receiving your reply to these comments.

Sincerely,



William R. Mills Jr., P.E.  
General Manager

I:\Document\Adv Pin\JCK\Letters & Memos\EUA\Stormwater Imported water Initial study.doc

cc: Greg Woodside  
John Kennedy

7  
7

R A N C H O C U C A M O N G A

October 2, 2001

Richard W. Atwater  
Chief Executive Officer  
Inland Empire Utilities Agency  
9400 Cherry Avenue, Building A  
Fontana, CA 92335

SUBJECT: INITIAL STUDY - RECHARGE BASIN IMPROVEMENTS

Dear Mr. Atwater:

Thank you for the opportunity to review the subject document. We have circulated the document to various City departments for comment. Our comments are as follows:

Planning Division:

4-1 Sections IX Land Use and Planning and XV Transportation should include discussion of how the basin improvements on Eliwanda Spreading Basins, San Sevaine Basins, Victoria Basin, and Lower Day Basin accommodate (or not) planned Community Trails, Regional Trails, and Bikeways per the City of Rancho Cucamonga General Plan and Trails Implementation Plan. Note the attached maps showing locations of these trails.

Engineering Division:

4-2 The City of Rancho Cucamonga has proposed a street to be installed along the southern portion of San Sevaine Basin 3. This street is an extension of an existing street just west of the basin. This can be seen on your Figure 11, San Sevaine Basins 1, 2, and 3. The levee and spillway design needs to take into consideration the proposed street.

4-3 The Initial Study Environmental Checklist VII, Substantiation, states there are no schools within one-quarter mile of any project sites. Immediately west of Lower Day Basin is Rancho Cucamonga High School. Immediately west of Victoria Basin is Eliwanda High School.

Fire Prevention District:

4-4 The undeveloped land under the jurisdiction of the County Flood Control District is not subject to a comprehensive vegetation management plan approved by the Fire District.  
The Fire District deals annually with the concerns of citizens regarding the lack of distinct fuel breaks at the perimeters of Flood Control District property. The Fire District identified approximately six references to the need to commit "more effort at managing vegetation due to the longer presence of water." This indicates there will be an increase in vegetation growth in an area that currently lacks a comprehensive vegetation management plan.

Margie Wilson, J. Alexander  
Mayor Eric Leon Duarte, Williams  
ack from AUEP City Manager



Councilmember Paul Biano  
Councilmember Bob Dutton  
Councilmember Grace Curfio

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**RESPONSES TO COMMENT LETTER #4  
CITY OF RANCHO CUCAMONGA**

- 4-1 Your comment is noted and was entered into the administrative record for the proposed project. No specific consideration was given to incorporation of trail systems into the recharge basins because this was not part of the Recharge Master Plan. The City can confer with the Watermaster, Chino Basin Water Conservation District and Flood Control District regarding the possibility of including trails, to the extent that they do not conflict with basin operations, when specific engineering plans each of the referenced basins are being developed for contract award and implementation.
- 4-2 Your comment is noted and was entered into the administrative record for the proposed project. The City can confer with the Watermaster, Chino Basin Water Conservation District and Flood Control District regarding the design of the road, when specific engineering plans each of the referenced basins are being developed for contract award and implementation.
- 4-3 Your comment is noted and was entered into the administrative record for the proposed project.
- 4-4 The comment regarding the need to implement additional effort to manage vegetation is related to controlling the development of riparian vegetation that can trap sediment and reduce the volume and effectiveness of recharge operations. The objective is to minimize vegetation growth, as well as maintain the functional capacity of the basins. The commitment to develop vegetation management plans is incorporated into the project and the implementing agencies, Watermaster, Chino Basin Water Conservation District and Flood Control District, will provide these plans to the Fire Prevention District for review and comment.

INITIAL STUDY COMMENTS -- RECHARGE BASIN IMPROVEMENTS

DRC2001-00605

October 2, 2001

Page 2

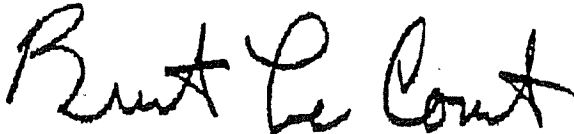
4-4  
cont.

The Fire Safety Division recommends that approval of this project include a condition that the utility agencies and the flood control district prepare a comprehensive vegetation management plan and maintenance schedule to be submitted to the Fire District for approval.

Please keep us informed of any changes to the implementation of the project. Should you have any questions or comments, please feel free to call me at (909) 477-2750.

Sincerely,

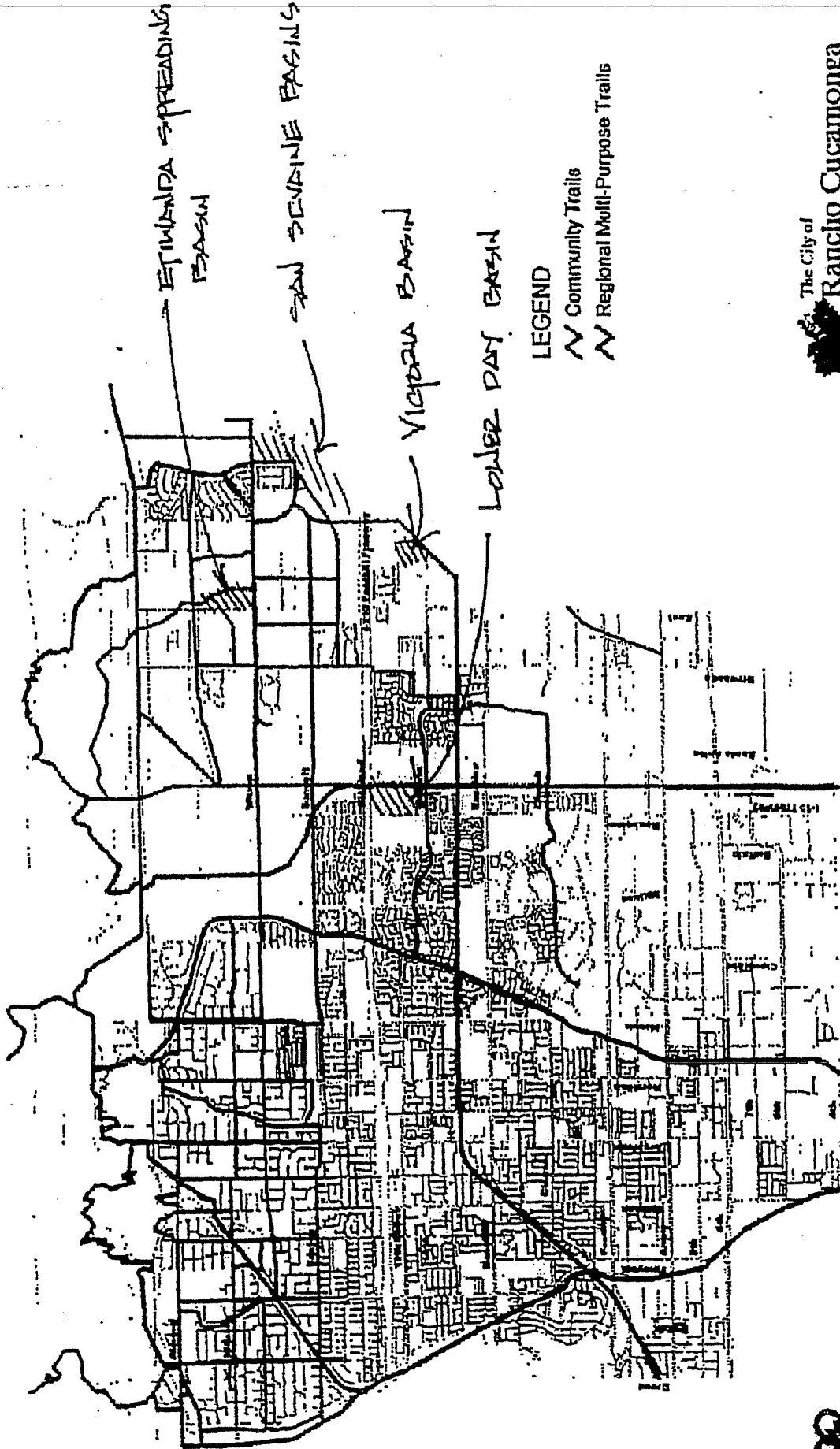
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION



Brent Le Count, AICP  
Associate Planner

Copies To: Brad Buller, City Planner  
Dan James, Senior Civil Engineer  
Ralph Crane, Fire Marshal  
Bob Zetterburg, Integrated Waste Control  
Jon Gillespie, Traffic Engineer

Trails Plan



# General Bikeways Plan

See Etiwanda

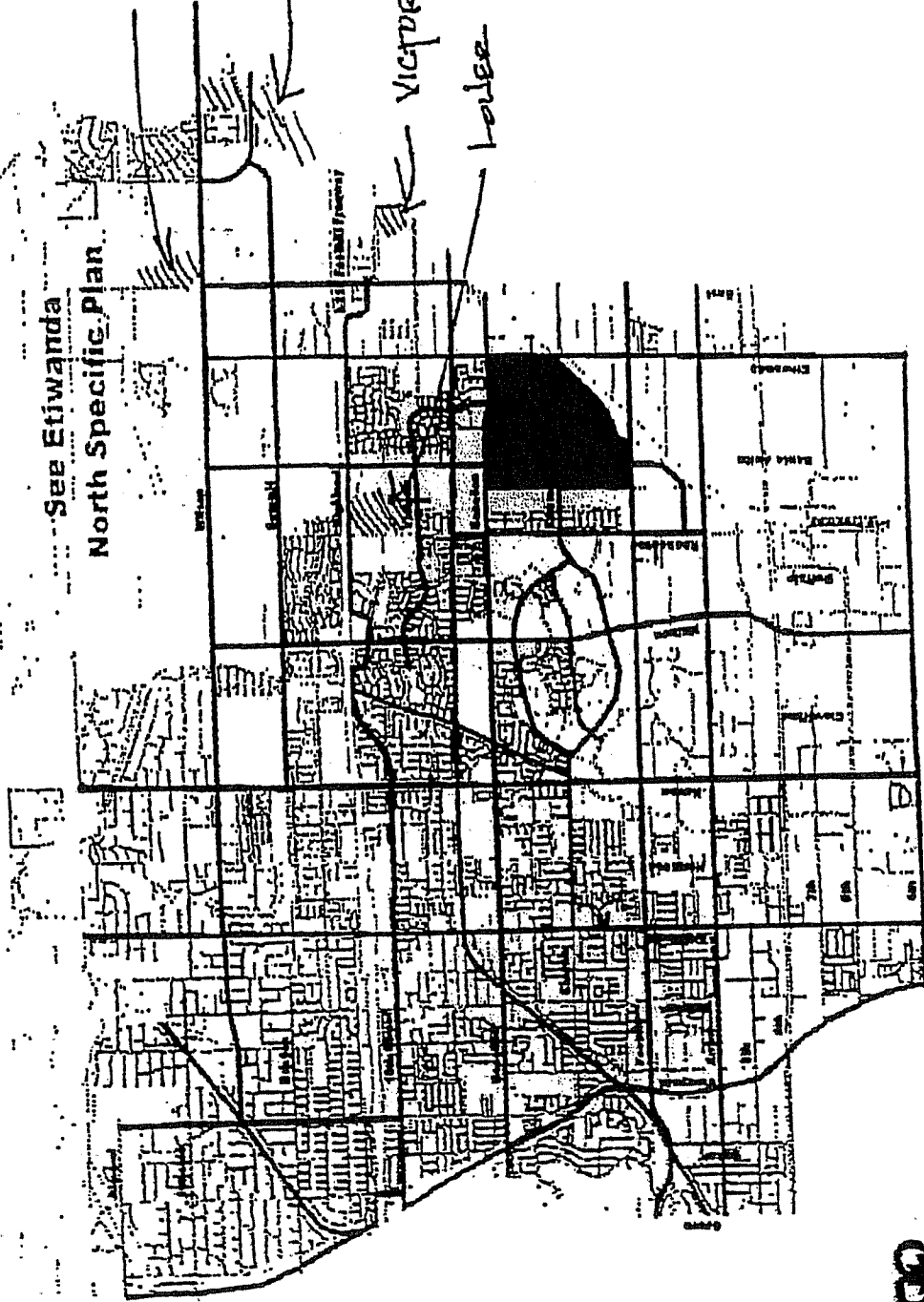
North Specific Plan

ETIWANDA SPREADING BASIN

SAN SEVAINÉ BASINS

VICTORIA BASIN

LOUIE DAY BASIN



## LEGEND

Class 1

Class 2

Class 3

Bikeway Study Area Overlay  
(Classifications and alignments to be determined)



The City of  
Rancho Cucamonga  
General Plan



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October 19, 2001

Mr. Garth Morgan  
Inland Empire Utilities Agency  
9400 Cherry Avenue, Bldg. A  
Fontana, CA 92335

Dear Garth:

Inland Empire Utilities Agency (IEUA or Agency) received a late comment letter from the California Department of Fish and Game (CDFG) regarding the recharge basin project. At your request, I have prepared the following set of responses for inclusion in the final project record for this action which was approved by the IEUA Board on October 3, 2001. In accordance with the California Environmental Quality Act (CEQA) procedures, I am transmitting this additional letter to provide a completed package of information for the Inland Empire Utilities Agency (IEUA or Agency).

This final package consists of the Initial Study; the previous comment letters and responses to the comments; the mitigation monitoring and reporting program (MMRP); any other staff reports or information that the Agency Staff compiled and this response to the CDFG comment letter. Relying on this total package of information, it is my conclusion that the CDFG comments did not change the previous recommendation that, based on the whole of the record before the Agency, the proposed project can be implemented in a manner that is fully consistent with the facts and findings in the OBMP PEIR.

This additional response has been independently reviewed by the Agency Staff and myself on behalf of the IEUA. Should you have any questions, please feel free to give me a call.

Sincerely,

Tom Dodson  
Attachment

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**RESPONSES TO COMMENT LETTER #5  
CALIFORNIA DEPARTMENT OF FISH AND GAME**

- 5-1 Your comment is noted and was entered into the administrative record for the proposed project.
- 5-2 Your comment is noted and was entered into the administrative record for the proposed project. The following comment is abstracted from the Initial Study which describes the evaluation of CDFG regulatory authority for the recharge basins contained in the Initial Study. "Relative to the California Department of Fish and Game (CDFG), it takes jurisdiction over water flow areas, i.e., streams. These water flow areas are identified in the California Code as follows:

"...natural flow or bed, channel or bank of any river, stream or lake designated by the Department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit or will use material from the streambeds..."

Although river is never defined in the Fish and Game Code, a river is defined by Webster as: "A natural stream of water larger than a creek and emptying into an ocean, lake or another river." Further, Webster defines a stream as a small river. Based on these definitions, the 18 recharge basins are not a natural feature and due to the maintenance regime, the wildlife resources of the recharge basin are negligible.

However, in response to the Department's request the agencies managing recharge will confer with CDFG prior to making modifications to the recharge basins and increasing the volume of storm water and imported water that will be recharged to the 18 basins.

Based on the information presented above, the proposed modifications to the 18 basins are not within the jurisdiction of either the Corps or CDFG.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**DEPARTMENT OF FISH AND GAME**

Eastern Sierra - Inland Deserts Region

4775 Bird Farm Road

Chino Hills, California 91709



October 15, 2001

Mr. Richard Atwater, Chief Executive Officer  
Inland Empire Utilities Agency  
9400 Cherry Avenue, Bldg. A  
Fontana, CA 92335

Re: **Initial Study for the Implementation of Storm Water and  
Imported Water Recharge at 20 Recharge Basins in Chino Basin**

Dear Mr. Atwater:

The California Department of Fish and Game (Department) has reviewed the Initial Study (IS) for the proposed project referenced above. The proposed project encompasses recharge basins throughout Chino Basin, extending from Upland on the west, San Gabriel Mountains on the north, Fontana on the east, and the Riverside County line on the south. The proposed project is the modification of 17 basins and two abandoned quarries.

The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381).

After reviewing the above referenced document, the Department believes that several components of the proposed project require a Streambed Alteration Agreement from the Department. Under Section 1600 et seq of the Fish and Game Code, notification to the Department for a Streambed Alteration Agreement is required by the applicant for any activity that will divert, obstruct or change the natural flow or the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flow.

Some of the recharge basins appear to lie within existing stream channels, and therefore are jurisdictional to the State. Other basins appear to be located adjacent to existing stream channels and flows will be diverted from the channels into the basins. In this scenario, although the basin may fall outside the Department's jurisdiction, the applicant will need to notify the Department for the diversion of the water from the existing channel. In addition, construction of inlet and outlet structures within existing channels also require notification pursuant to Section 1600 of the Fish and Game Code.

Page 2

**IS for Implementation of Water Recharge at 20 Recharge Basins In Chino Basin  
October 15, 2001**

The Department's issuance of a Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department, as a responsible agency under CEQA, may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. However, if the Negative Declaration or Environmental Impact Report does not fully identify potential impacts to lakes, streams, and associated habitat (including but not limited to, riparian and alluvial fan sage scrub habitat) and provide adequate avoidance, mitigation, monitoring, and reporting commitments, additional CEQA documentation will be required prior to the execution (signing) of the Streambed Alteration Agreement.

In order to avoid delays or repetition of the CEQA process, the Department recommends that potential impacts to lakes, streams, and associated habitat be discussed within your CEQA document. The following is information that should be included:

- 1) a detailed project description that relates to the impact to the bed, bank, or channel of the stream and/or lake (i.e. describe impacts associated with the construction of an inlet or outlet structure);
- 2) a delineation of lakes, streams, and associated habitat that will be directly or indirectly impacted by the proposed project;
- 3) details on the biological resources (flora and fauna) associated with the lakes and/or streams;
- 4) a discussion of avoidance measures to reduce project impacts; and
- 5) potential mitigation measures to compensate for unavoidable impacts.

The Department recommends that the project applicant and/or lead agency consult with the Department to discuss project impacts and potential avoidance and mitigation measures. Pre-project meetings are held at the Department's Chino Hills office. To schedule a pre-project meeting or to obtain a Streambed Alteration Agreement Notification package, please call (562) 590-5880.

Thank you for this opportunity to comment. If you have any questions regarding this letter, please contact Juan Hernandez, Environmental Specialist III, at (909) 272-4965.

Sincerely,



Jeff Drongesen  
Supervisor  
Habitat Conservation - Southwest

cc: Jeff Newman, USFWS, Carlsbad

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- 5-3 Your comment is noted and was entered into the administrative record for the proposed project.
- 5-4 The information requested is provided in the Initial Study prepared for the proposed project and the Watermaster's Recharge Master Plan, which was incorporated into the environmental document by reference.
- 5-5 The agencies proposing to carry out the 18 recharge basin actions will assume the responsibility for initiating contact with the Department to determine whether activities to modify and manage the basins fall within the jurisdiction of the Department, and, if so, what steps must be taken to obtain the required Streambed Alteration Agreements from the CDFG.

**Page 3**

**IS for Implementation of Water Recharge at 20 Recharge Basins in Chino Basin  
October 15, 2001**

bcc: Juan Hernandez, ES III