

Bill Rodstrom Public Comments for the Villa Serena NOP

March 9, 2022

To Joshua Winter, Associate Planner, City of Upland
From Bill Rodstrom, former U.S. Fish & Wildlife Service biologist

Dear Mr. Winter,
I'll start off with a comment regarding my earlier letter
Response to Joshua Winter's comments regarding my letter of November 17, 2019
Responses to Public Comments for the Initial Study/Mitigated Negative Declaration

General Response:

"It should also be noted Mr. Rodstrom's career since the late 1980's has been based in inner northern California per his public profile. This species is found mainly in the coastal plains of southern California."

Actually, I grew up in East San Diego and La Mesa in habitat similar to Upland, and after moving to coastal Northern California in 1971, I visited my parents in La Mesa and birded in Coastal San Diego County one of more times a year between 1971 and 2011 (40 years) until my last parent died, including participating in Christmas Bird Counts in Oceanside and coastal Santa Barbara County. I worked for U.C. Irvine for several years and birded in that vicinity, so I am familiar with Southern California birds. I also visited my father-in-law several times a year between 2000 and 2021, who lived near Grove and 15th Street, and would explore the 15th street flood control basin one or more times when I visited him, over 20 years.

I have also participated in Christmas bird counts nearly every year since 1975, including 2021, often birding with prominent birdwatchers such as Gary Lester. I also have been participating in nearly annual birdathons, (I missed the 2021 birdathon to avoid catching Covid-19) usually in the first week of May to see as many species of birds as possible in a 24-hour period. Our four-person teams usually see over 130 species of birds in one 24-hour period, teams that include very expert California birders such as Gary Friedrichsen and Ken Burton. While I'm no expert on birds, I am a very experienced birder, having seen roughly 600 species of North American birds.

I have also posted nearly 1,400 natural history observations using the iNaturalist program <https://www.inaturalist.org/observations/billrod9> Most of these observations from the proposed Villa Serena project site were confirmed by experts in those fields.

My comments will focus on threatened species, flood control capacity, nature deficit disorder, wetlands, and mitigation issues

Threatened Species

I was shocked to see that the whole project area had been bulldozed flat in May 2020. Was this legal? The Colonies Partners had removed all of the best coastal sage scrub habitat favored by **California Gnatcatchers**. That's like applying for a permit to fill a wetland after filling it in and destroying it!

In my opinion, there was a small but suitable habitat for gnatcatchers, and I heard or saw gnatcatchers many times in the project area while walking along the south levee adjacent to 15th Street, roughly between Monte Vista Avenue and westward for several hundred yards. I am attaching before and after photos from June 2019 with healthy coastal sage scrub and June 2020 after the habitat destruction.

The bulldozed habitat should be allowed to grow back to see if gnatcatchers will return. Also, wetland habitats were destroyed or drastically altered by the bulldozing. Was this legal? **Least Bell's Vireos** may have been using the wetland areas, but much of their preferred habitat was also destroyed by the bulldozing.

Lastly, the bulldozed habitat should be allowed to return to see if **Burrowing Owls** will use the banks of the levees to nest.



Coastal Sage Scrub habitat at Upland Flood Control Basin, June 26, 2019



Coastal Sage Scrub habitat at Upland Flood Control Basin after being destroyed by bulldozers, June 23, 2020

Flood Control Capacity

Since approximately 2001 I have visited the proposed development site (a flood control basin) about 3-4 times a year, visiting an elderly relative who lived at the nearby Red Hill Country Club. I have also seen high rainfall events such as Feb. 14, 2019, when the flood control basin was able to store stormwater runoff as it was designed, to protect neighboring suburban homes from being flooded. See attached photos.

The proposed development would fill about half of the existing flood control basin, so my question is: will the remaining half to the east be expected to collect all of the stormwater runoff during high rainfall events? The hypothetical Flood Routing Analysis in the appendix is unclear to me on this issue. My Feb. 14, 2019 photos show the basin filling between 3-4 feet of stormwater at the west end of the proposed project. This storm generated approximately 2.1 inches of rain measured at the nearby Ontario Airport, according the U.S. Weather Service. A more severe or prolonged storm, or a much smaller basin would presumably fill the basin even higher.



Flood Control Basin looking west Feb. 14, 2019



Flood Control Basin looking east Feb. 14, 2019

Nature Deficit Disorder

“Some preliminary research shows that lack of time outdoors, does have negative effects on children's mental well-being”-Wikipedia. The 15th Street Flood Control Basin is the only wildland within a half a mile of thousands of nearby residents and their kids who can walk to this location. Otherwise, these residents will have to get in a car and drive several miles to get to some native habitat. I have observed many wild species of native plants, birds, reptiles, and many insects like native butterflies, bees, and dragonflies. There is very little biodiversity at city parks like the nearby Upland Memorial Park, which is full of non-native trees and lawns. These artificial urban parks offer some recreational activities, but are biological wastelands compared to a similar sized wildland. Kids and their parents need opportunities to explore nature and learn about local plants, animals and fungi.

Wetlands

In the Specific Plan Project Initial Study report, the geotechnical report stated that there was no surface water on the proposed development.

Also, for well over a decade there have been three small wetland ponds from year-round runoff from the Upland Hills Country Club golf course on the north boundary of the proposed development, with wetland species like Willows (*Salix*), cattails (*Typha*), watercress (*Nasturtium*), etc., and associated breeding dragonflies, mallards and other wetland-dependent species. I did not see these noted in the geotechnical report. Approximately 80% of bird species are associated with riparian or wetland habitat.

On September 5, 2019 and October 26, 2019, I observed a four-foot-wide stream of water pouring through roughly 8 ft. diameter culverts on the west end of the proposed development. What is the source of this water? Is this what is left of the creek coming downstream from Frankish Canyon? Where will it be diverted to?

I have attached a list of species that I have observed in the Flood Control Basin, and this is in Excel format, so is not pasted into this document.

Mitigation





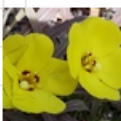


Because this project will remove over nine acres of Sage Scrub native habitat, I would urge that all tree, shrub, and perennial plant landscaping be composed of California native plants. Native insects and the birds and other wildlife that eat them or feed them to their young are not adapted to eating non-native plants, so the area becomes a biological desert for native animals when native habitat is replaced with nonnatives. For more on this subject I recommend that you read ***Bringing Nature Home: How You Can Sustain Wildlife with Native Plants***, by Douglas Tallamy, or view his PowerPoint presentation at least. Here's a link for that: YouTube Video link: ***Restoring Nature's Relationships*** <https://www.youtube.com/watch?v=yo4ZJ-ryTaE>
You can find more about using native plants for landscaping at the Calscape website: <https://calscape.org/>

I have made every effort to substantiate my observations.

I feel that the best use for the 15th Street Flood Control Basin is to allow it to grow back as an important bit of southern coastal sage scrub rather than to develop into yet another development.

Sincerely,

Bill Rodstrom, former U.S. Fish & Wildlife Service biologist
707 498-4762
Bill.rodstrom@gmail.com








	<i>Acmispon glaber</i>	Deerweed	April 26, 2017 June 10, 2017
	<i>Albizia julibrissin</i>	Persian Silk Tree	June 10, 2017
	<i>Astragalus pomonensis</i>	Pomona Milkvetch	February 13, 2018
	<i>Brassica rapa</i>	Field Mustard	February 11, 2018
	Genus <i>Camissoniopsis</i>	Suncups	February 12, 2019
	<i>Cucurbita foetidissima</i>	Buffalo Gourd	August 18, 2017 May 28, 2018 May 29, 2021
	<i>Datura wrightii</i>	Sacred Datura	July 25, 2017 May 30, 2018


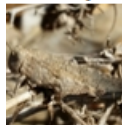

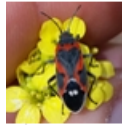


	<i>Eriodictyon trichocalyx</i>	<u>Hairy Yerba Santa</u>	April 26, 2017 May 26, 2018
	<i>Eriogonum fasciculatum</i> The dominant shrub in the flood control basin	California Buckwheat	June 26, 2019 February 14, 2018 May 26, 2018
	<i>Erythranthe guttata</i> Occurs in wetlands, and wetland/riparian communities	Seep Monkey Flower	May 30, 2018
	<i>Fraxinus velutina</i> Occurs in wetlands and wetland/riparian communities	Velvet Ash	May 29, 2021 May 30, 2018
	<i>Heterotheca grandiflora</i>	Telegraphweed	February 11, 2018
	<i>Lepidospartum squamatum</i>	California Broomsage	July 23, 2017
	<i>Ludwigia peploides</i> Occurs in wetlands and riparian communities	Floating Primrose-Willow	June 10, 2017 May 28, 2021

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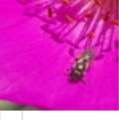


	<i>Nasturtium officinale</i> Occurs in wetlands and riparian communities	Watercress	May 28, 2021
	<i>Nicotiana glauca</i>	Tree Tobacco	June 10, 2017
	<i>Opuntia</i> × <i>vaseyi</i>	Vasey's Prickly Pear	April 26, 2017 July 23, 2017
	<i>Penstemon spectabilis</i>	Showy Penstemon	February 11, 2018 May 26, 2018 May 29, 2021
	<i>Persicaria maculosa</i> Usually occurs in wetlands and disturbed areas	Lady's Thumb	May 29, 2021 May 30, 2018
	<i>Platanus racemosa</i> Occurs on streambanks and riparian communities	Western Sycamore	May 29, 2021 February 13, 2018 May 30, 2018
	<i>Prunus ilicifolia</i>	Hollyleaf Cherry	May 26, 2018
	<i>Pseudognaphalium californicum</i>	California Cudweed	April 29, 2017

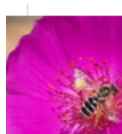



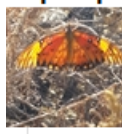

	<i>Ricinus communis</i>	Castor Bean	June 10, 2017
	<i>Rhus aromatica</i>	Fragrant Sumac	April 26, 2017
	<i>Salvia mellifera</i>	Black Sage	June 10, 2017
	<i>Solanum douglasii</i>	Greenspot Nightshade	February 13, 2018
	Genus <i>Typha</i> Occurs in wetlands and freshwater marshes	Cattails	May 29, 2021
	<i>Verbesina encelioides</i> Occurs in disturbed areas and wetland/riparian communities	Cowpen Daisy	July 22, 2017 May 26, 2018 November 6, 2018 November 6, 2020
Invertebrates			
Insects			
Odonata - Damselflies & Dragonflies			
	Odonata need standing fresh water to breed		August 14, 2018
	<i>Enallagma civile</i>	Familiar Bluet	June 10, 2017 July 25, 2017
	I observed female dragonflies laying eggs on aquatic vegetation		






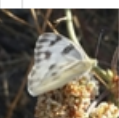


	<i>Enallagma praevarum</i>	Arroyo Bluet	May 30, 2018
	<i>Erythemis collocata</i>	Western Pondhawk	August 14, 2018
	<i>Libellula croceipennis</i>	Neon Skimmer	July 23, 2017
	<i>Libellula saturata</i>	Flame Skimmer	July 25, 2017 August 14, 2018 November 6, 2020
	<i>Pachydiplax longipennis</i>	Blue Dasher	July 25, 2017
	<i>Perithemis intensa</i>	Mexican Amberwing	August 16, 2017 June 26, 2019
	<i>Rhionaeschna multicolor</i>	Blue-eyed Darner	June 10, 2017

	<i>Sympetrum illotum</i>	Cardinal Meadowhawk	June 10, 2017 October 26, 2019
	<i>Anax junius</i> (Seen several times but not photographed)	Common Green Darner	
Orthoptera - Grasshoppers			
	<i>Lactista gibbosus</i>	Trailside Grasshopper	August 18, 2017
Mantids			
	<i>Stagmomantis limbata</i>	Arizona Mantis	November 16, 2019
Hemiptera - True Bugs			
	<i>Lygaeus kalmii</i>	Small Milkweed Bug	April 27, 2017
Diptera - Flies			
	<i>Eristalis stipator</i>	Yellow-shouldered Drone Fly	February 14, 2018
	<i>Copestylum mexicanum</i>	Mexican Cactus Fly	October 26, 2019


	<i>Hemipenthes sinuosa</i>	Sinuous Bee Fly	June 24, 2020
	<i>Toxomerus marginatus</i>	Margined Calligrapher	November 16, 2019
Coleoptera - Beetles			
	<i>Coccinella septempunctata</i>	Seven-spotted Lady Beetle	April 29, 2017
	<i>Hippodamia convergens</i>	Convergent Lady Beetle	February 11, 2018
Hymenoptera - Ants, Bees & Wasps			
Ants			
	Genus <i>Pogonomyrmex</i>	Harvester Ants	May 29, 2021
Wasps			
	<i>Philanthus sp.</i>	Beewolves	August 16, 2017
			September 5, 2019

Bees			
	<i>Anthophora urbana</i>	Urbane Digger Bee	October 26, 2019
	<i>Apis mellifera</i>	Western Honey Bee	February 12, 2019 February 11, 2018 June 10, 2017
	Subgenus Chelostomoides	Nearctic Resin Bees	September 5, 2019
	Genus <i>Colletes</i>	Cellophane Bees	November 6, 2018
	Subgenus Dialictus	Metallic Sweat Bees	May 29, 2021
	Subgenus Eumelissodes	Summer Long-horned Bee	June 23, 2020
	<i>Halictus ligatus</i>	Ligated Furrow Bee	September 5, 2019

	<i>Lasioglossum sisymbrii</i>	Tansymustard Sweat Bee	May 29, 2021
	<i>Peponapis pruinosa</i>	Pruinose Squash Bee	May 28, 2018
	<i>Xenoglossa strenua</i>	Nimble Squash Bee	May 29, 2021
	<i>Xylocopa sonorina</i>	Valley Carpenter Bee	November 17, 2019
Lepidoptera - Butterflies & Moths			
	<i>Agraulis vanillae</i>	Gulf Fritillary	August 16, 2017
	<i>Danaus gilippus</i>	Queen	April 27, 2017
No Photo	<i>Danaus plexippus</i>	Monarch	May 28, 2021

	<i>Heliopterus ericetorum</i>	Northern White-Skipper	September 5, 2019
	<i>Hylephila phyleus</i>	Fiery Skipper	July 22, 2017 August 17, 2017 February 11, 2018 September 5, 2019
	<i>Junonia coenia</i>	Common Buckeye	April 27, 2017 November 6, 2018
	<i>Leptotes marina</i>	Marine Blue	August 15, 2018 June 26, 2019 September 5, 2019 November 6, 2020
	<i>Phoebis agarithe</i>	Large Orange Sulphur	July 25, 2017
	<i>Pontia protodice</i>	Checkered White	July 22, 2017 September 5, 2019
	<i>Strymon melinus</i>	Gray Hairstreak	February 11, 2018
	<i>Vanessa cardui</i>	Painted Lady	August 16, 2017

Vertebrates

Birds			
	<i>Anas platyrhynchos</i>	Mallard	February 12, 2019
	Breeding season pair taking off from a permanent pond		
	<i>Spinus psaltria</i>	Lesser Goldfinch	June 10, 2017
	<i>Zenaida macroura</i>	Mourning Dove	May 26, 2018
	<i>Miscellaneous bird observations</i>		No Specific Dates
	<i>Tyrannus spp.</i>	Western or Cassin's Kingbirds	
	<i>Aphelocoma californica</i>	California Scrub Jay	
	<i>Cathartes aura</i>	Turkey Vulture	
	<i>Zonotrichia leucophrys</i>	White-crowned Sparrow	
	<i>Icterus spp.</i>	Hooded or Bullock's Oriole	
	<i>Accipiter cooperii</i>	Cooper's Hawk	
	<i>Buteo jamaicensis</i>	Red-tailed Hawk	
	<i>Haemorhous mexicanus</i>	House Finch	
	<i>Branta canadensis</i>	Canada Goose	
	<i>Mimus polyglottos</i>	Northern Mockingbird	
	<i>Poliophtila spp.</i>	Gnatcatchers	

Amphibians and Reptiles			
	<i>Sceloporus occidentalis</i> ssp. <i>longipes</i>	Great Basin Fence Lizard	April 26, 2017 July 25, 2017
	<i>Uta stansburiana</i> ssp. <i>elegans</i>	Side-blotched Lizard	July 25, 2017
Mammals			
	<i>Canis latrans</i> A pack of Coyotes lived in the flood control basin before bulldozing	Coyote	April 27, 2017
		Dead Coyote pup (after the bulldozing)	June 23, 2020
	<i>Sciurus niger</i>	Fox Squirrel	February 14, 2018 September 5, 2019
	<i>Sylvilagus audubonii</i>	Desert Cottontail	May 29, 2021
		Ground Squirrel	No dates
		Bobcat scat	2021

All observations were within 100 ft. of the project boundary. Nearly all were within the boundary.

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bill.rodstrom@gmail.com

Phone: (707) 498-4762



March 7, 2022

Mr. Joshua Winter
Associate Planner
City of Upland
460 North Euclid Avenue
Upland, CA 91786

Subject: Notice of Preparation of a Draft Environmental Impact Report
Villa Serena Specific Plan Project (Tract No. 20245)
State Clearinghouse No. 2022020150

Dear Mr. Winter:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Upland (City) for the Villa Serena Specific Plan Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The proposed Project includes a general plan amendment, specific plan, site plan, rezone, and land division on Assessor Parcel Number (APN) 1045-121-04 and 1045-151-35, an approximate 9.2-acre portion of the existing 15th Street flood control detention basin, located north of E. 15th Street, south of the Upland Hills Golf Course, east of Campus Avenue, and west of Grove Avenue, in the City of Upland, San Bernardino County, California. Specific details of the proposed Project include:

1. The Villa Serena Specific Plan (Tract No. 20245) for the following:
 - Establish a 9.2-acre portion of the existing 15th Street flood control detention basin for a gated residential community consisting of 65 single-family detached residential units at a density of 7.1 dwelling units per acre;
 - Designate a portion of the 9.2-acre residential community as Open Space;
 - Modify and relocate existing basin infrastructure in the 9.2-acre portion of flood control detention basin to accommodate the residential site.
2. Zone Change to the City of Upland Zoning Map to correspond to the proposed changes on the Land Use Map, as noted above. The zoning classification for the proposed 9.2 acres of residential development is Single-Family Residential, at a density of 7.1 dwelling units per acre.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special

emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant

periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Burrowing Owl (*Athene cunicularia*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

CDFW recommends that the City of Upland follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW’s website: <https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW’s *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

With respect to defensible space: please ensure that the DEIR fully describes and identifies the location, acreage, and composition of defensible space *within* the proposed Project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with San Bernardino County Fire Department regulations/requirements. The City of Upland, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservations lands.

2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive

habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The City of Upland should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically

occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the project area, including, but not limited to: burrowing owl, , yellow warbler (*Setophaga petechia*), and yellow breasted chat (*Icteria virens*).

4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 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).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-

related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB, and/or knowledge of the project site/vicinity/general area, CDFW is aware that the following CESA-listed species have the potential to occur onsite/have previously been reported onsite: Least Bell's vireo (*Vireo bellii pusillus*).

Lake and Streambed Alteration Program

The Project applicant has notified CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of the LSA Agreement, 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.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <http://saveourwater.com/what-you-can-do/tips/landscaping/>

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

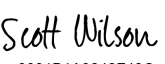
FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the Villa Serena Specific Plan Project (SCH No. 2022020150) and recommends that the City of Upland address the CDFW's comments and concerns in the forthcoming DEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Kim Freeburn, Senior Environmental Scientist Supervisor, at (909) 544-1344 or at Kim.Freeburn@wildlife.ca.gov.

Sincerely,

DocuSigned by:

8091B1A9242F49C...

Scott Wilson
Environmental Program Manager

ec: Kim Freeburn, Senior Environmental Scientist, Supervisor
Inland Deserts Region
kim.freeburn@wildlife.ca.gov

Joshua Winter, Associate Planner
City of Upland
March 7, 2022
Page 12

HCPB CEQA Coordinator
Habitat Conservation Planning Branch

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCES

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>

From: [Beanz Galvez](#)
To: [Joshua Winter](#); [Janice Elliott](#)
Subject: Re: Villa Sirena NOP
Date: Wednesday, March 9, 2022 5:42:41 PM
Attachments: [Capture+ 2021-06-23-22-54-32.png](#)
[Capture+ 2021-05-14-14-22-56.png](#)
[Capture+ 2021-06-23-22-54-10.png](#)
[Capture+ 2021-06-28-16-10-43.png](#)

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Sorry again, reviewing my email I noticed a few more pictures didn't go thru. See how beautiful the basin was.

Jo Beanz

On Wed, Mar 9, 2022, 5:35 PM Shari Wasson <shari_wasson@hotmail.com> wrote:

Great comments, Jo!

Sent from [Outlook](#)

From: Beanz Galvez <beanzgalvez@gmail.com>
Sent: Wednesday, March 9, 2022 1:03 PM
To: jwinter@uplandca.gov <jwinter@uplandca.gov>
Cc: Janice Elliott <janiceelliott4upland@gmail.com>
Subject: Villa Sirena NOP

Dear Joshua Winter, (jwinter@uplandca.gov)
8, 2022

March

My name is Jo Beanz. I'm a long-time resident of Upland and part of Friends of Upland Wetlands (FUW). I am against the Villa Serena project and high density housing being constructed in the 15th Street Flood Control Basin for many reasons including the significant impacts to aesthetics, increased noise, reduced groundwater recharge, biological, and endangerment of the wildlife and flora and fauna in the area.

I am providing photos from 5 years ago versus the last year in May, 2021 to document the wetlands and conditions at the 15th Street Flood Control Basin before and after "weed abatement" conducted by The Colonies Partners, L.P. If you look at the picture from 5 years ago you can see we had water, we had our flowers, we had our wildlife. And if you look at what they did the last past year (under the pretense of weed abatement), they bulldozed down to bare soil and applied herbicide, which left no vegetation. Were the appropriate agencies notified of these activities? Please give the 15th St Flood

Control Basin a chance to grow back up and see what it could become again before you allow “weed abatement” with a bulldozer and herbicide again or conduct the biological surveys for the environmental impact report required to allow development of homes.

Regarding aesthetics, my family bought their house because of the view, it was secluded, and isolated. Our family home is paid for. We consider it an investment. The Villa Serena project will block the current residents' beautiful views of the flood basin and the mountains. Now they're going to take that all away and build cookie cutter houses with no backyards, with the supposed tradeoff that they are putting in a play area and making it a gated community. All these factors and more will contribute to dropping our home values. It's not fair that we have our house paid for and now we're going to lose value to our homes. I hope you look at this with an open mind, as if it was your own home, your own investment, and your own family life.

I have attached a picture of the 15th Street Flood Control Basin when there was water, when there was flora and fauna. I have also attached a picture of what they did in May 2021 (and the previous year May 2020.) I've also attached a picture of a duckling family, with their mother duck walking into the Basin. After the weed abatement by bulldozers, the ducks' home was destroyed. The next day we found the ducks dead on a city street (see the attached picture).

Please do what's right for Upland. Address and mitigate the significant impacts to aesthetics, increased noise, reduced groundwater recharge, biological, and endangerment of the wildlife and flora and fauna in the area.

Thank you for this opportunity to provide comments.

Sincerely
Jo Beanz
President
Friends of Upland Wetlands



[Resized_Resized_20201112_140108.jpg](#)



[Capture+_2021-06-23-22-54-10.png](#)



[Capture+_2021-06-23-22-54-32.png](#)



20210520_103101.jpg



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Lois Sicking Jo Beanz Looks like they are clearing it right up to 9 houses adjacent to basi... See More





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👍 Cathy Galvez

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UPLAND POLITICS



Something entered through this broken chain link on 15 th Street.





GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

February 17, 2022

Project Name: Villa Serena Specific Plan, City of Upland

Thank you for your letter regarding the project above. This is to concur that we are in agreement with the Specific Plan Amendment. However, our Tribal government would like to request consultation for any and all future projects when ground disturbance will be occurring within this location.

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

www.gabrielenoindians.org

admin@gabrielenoindians.org

From: [Tish anderson](#)
To: [Rudy Gmail. Zuniga](#)
Cc: [Joshua Winter](#); [Janice Elliott](#)
Subject: Villa Serena
Date: Wednesday, February 9, 2022 11:44:39 AM

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello Vice Mayor Zuniga,

I hope that all is well with you and know that you continue to work hard for representing the stakeholders of Upland. As you know there has been a renewed effort in generating a “new” environmental impact report of the vacant property on 15th Street on behalf of the City of Upland.

With the current standing of the court decision of a negative declaration already in place whereas the residences of this neighborhood have standing and are against any development, I am voicing my opposition to any further action of new EIR’s being performed.

The impact to the location’s wildlife, municipal departments, and traffic will all create undesirable living conditions as well as affect property values.

Furthermore additional environmental impact reports are expensive and time consuming for the City. Does the City have extra funds to throw at continued dedicated billable staff hours and litigation? Last time I checked the budget there were no funds allocated or available for reports or further litigation. Maybe you can tell me why the City of Upland is continuing to fight the residences and siding with a Developer on the Villa Serena Project?

Sincerely,
Leticia Anderson

Sent from my iPhone

Dear Joshua Winter:

March 9, 2022

My name is Lois Sicking Dieter. I am a long-time resident of Upland. I am submitting the following comments regarding the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Villa Serena Specific Plan in the 15th Street Flood Control Basin.

Despite being opposed to the proposed Villa Serena project, I appreciate the opportunity to review the EIR when made public. The residents' expressed expectation is that the environmental report will be a legally accurate EIR at a level of specificity required for this complex project. My opposition to this project is based on the potential for significant environmental impacts to air quality, greenhouse gas emissions, aesthetics/visual, biological resources/wetlands/riparian, flood control detention basin capacity and flood control, water supply, groundwater, noise, transportation, drainage/absorption, and toxic/hazardous wastes from the adjacent landfill and stormwater pollution runoff.

In addition to the listed Air Resources Board, California Department of Fish and Wildlife (CDFW), Housing and Community Development, Native American Heritage Commission, and Santa Anna Regional Water Quality Control Board, other responsible trustee agencies include the San Bernardino County Flood Control District, Army Corp of Engineers, and the California State Division of Safety of Dams. Were all of these agencies informed of this NOP? If not, why not?

Previous "weed abatement" of the 15th Street Flood Control Basin in May, 2020 and May, 2021 consisted of removal of vegetation down to bare mineral soil by use of a bulldozer and followed by application of a herbicide as seen by local residents and reported to the CDFW. The City of Upland stated this was "weed abatement." However, previous to May of 2020, weed abatement in the basin did not include any heavy equipment such as a bulldozer and used handheld equipment and trimmers. Furthermore, weed abatement to bare mineral soil was not done and only began in May of 2020. We ask the City of Upland and applicant to conduct the full scope of surveys necessary to support the EIR prior to allowing another weed abatement. Furthermore, after these surveys are completed, to only allow use of handheld equipment and trimmers and not allow use of any heavy equipment in the basin.

Thank you for the opportunity to provide comments on this NOP.

Lois Sicking Dieter
LPSicking@cs.com
(909) 985-1397

From: [NATASHA WALTON](#)
To: [Joshua Winter](#)
Cc: [Janice Elliott](#)
Subject: Fwd: N Walton Comments on Notice of Preparation (NOP) for Villa Serena Specific Plan EIR
Date: Wednesday, March 9, 2022 7:54:52 PM
Attachments: [National Wetlands Inventory - Upland 15th St Basin - Wetlands Circled.jpg](#)

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Dear Mr. Winter:

Please accept my email below if you did not already receive it via your jwinter@ci.upland.ca.us email address. I had apparently used an incorrect email address for you in my previous email.

Thank You,

Natasha Walton

Get [Outlook for iOS](#)

From: NATASHA WALTON <notlaw_17@msn.com>
Sent: Wednesday, March 9, 2022 6:22 PM
To: jwinter@ci.upland.ca.us; jwinter@uplandca.com
Subject: N Walton Comments on Notice of Preparation (NOP) for Villa Serena Specific Plan EIR

Dear Mr. Winter:

I was having trouble sending this email right before 6PM today, please accept my following comments and attachment.

I am an 18-year Upland resident and wildlife biologist; I am very disappointed to learn that once again the City of Upland is planning on developing one of Upland's last remaining biological treasures which can be found in the 15th St flood control basin. Although I am glad to see that the Villa Serena Project Specific Plan will now be evaluated via an environmental impact report (EIR), vs. a less comprehensive initial study/mitigated negative declaration (IS/MND), this **Villa Serena project would still have significant negative effects on the invaluable biological resources, amongst other environmental resources, found at this site.** The effects of this project on the biological resources should be fully disclosed to the public before the Upland City Council and Planning Commission should even consider allowing such a project. To help ensure full disclosure of the project's effect on the biological resources at and near the 15th St. flood basin, I request the following items:

1. **Please fulfill Shari Wasson's requests as explained in her 3/9/2022 email** to Mr. Winters regarding the Villa Serena NOP. Her requests include the following: taking into consideration the state of and species occupying the west side of the basin prior to bulldozing in May of

2020 and 2021; prohibiting further bulldozing on any portion of the basin; including the east side of the basin in the biological assessment; addressing the loss of wetlands in the basin; conducting surveys using agency-approved protocols for special-status species, such as the coastal California gnatcatcher, least Bell's vireo, and burrowing owl; and conducting surveys throughout the year during different times of the day to evaluate the presence of the whole variety of species using the basin, such as frogs and bats.

2. **Please carry out a delineation of jurisdictional waters (jurisdictional delineation [JD])** for the entire basin since the entire basin would be impacted by this project. A JD would determine whether or not a 401 Regional Water Quality Control Board (RWQCB) permit, US Army Corps of Engineers 404 permit, and/or 1602 California Department of Fish and Wildlife (CDFW) permit needs to be obtained for the proposed project. However, many in the community are expecting the need for a streambed alteration agreement for this project since, as Ms. Wasson explained, the City of Upland had previously needed a streambed alteration agreement with CDFW for this area in 1999 with CDFW and the National Wetlands Inventory (NWI) indicates the presence of wetlands in this basin (see NWI attachment) Thus, I encourage early consultation with CDFW on this issue.
3. **Please include the east side of the 15th St. basin clearly in the project site maps** since this eastern side of the basin would be permanently impacted by the project as well since it will be modified greatly to accommodate the loss of the basin on the western side. In fact the name of the basin should also be included in the title of this specific plan.

However, please note that no EIR can capture the true impacts that the loss of our natural areas will have on our quality of life in Upland. The sounds, smells and sights of such an area can fulfill our hearts in ways that no scientist can measure and no city can mitigate for its loss.

I have hope that the city staff, planning commission, and city council will realize that this project site must be **preserved for flood control and as special place for our native wildlife and plants, and, yes, even our hearts.**

Thank you for your time and consideration.

Sincerely,

Natasha Walton, MS

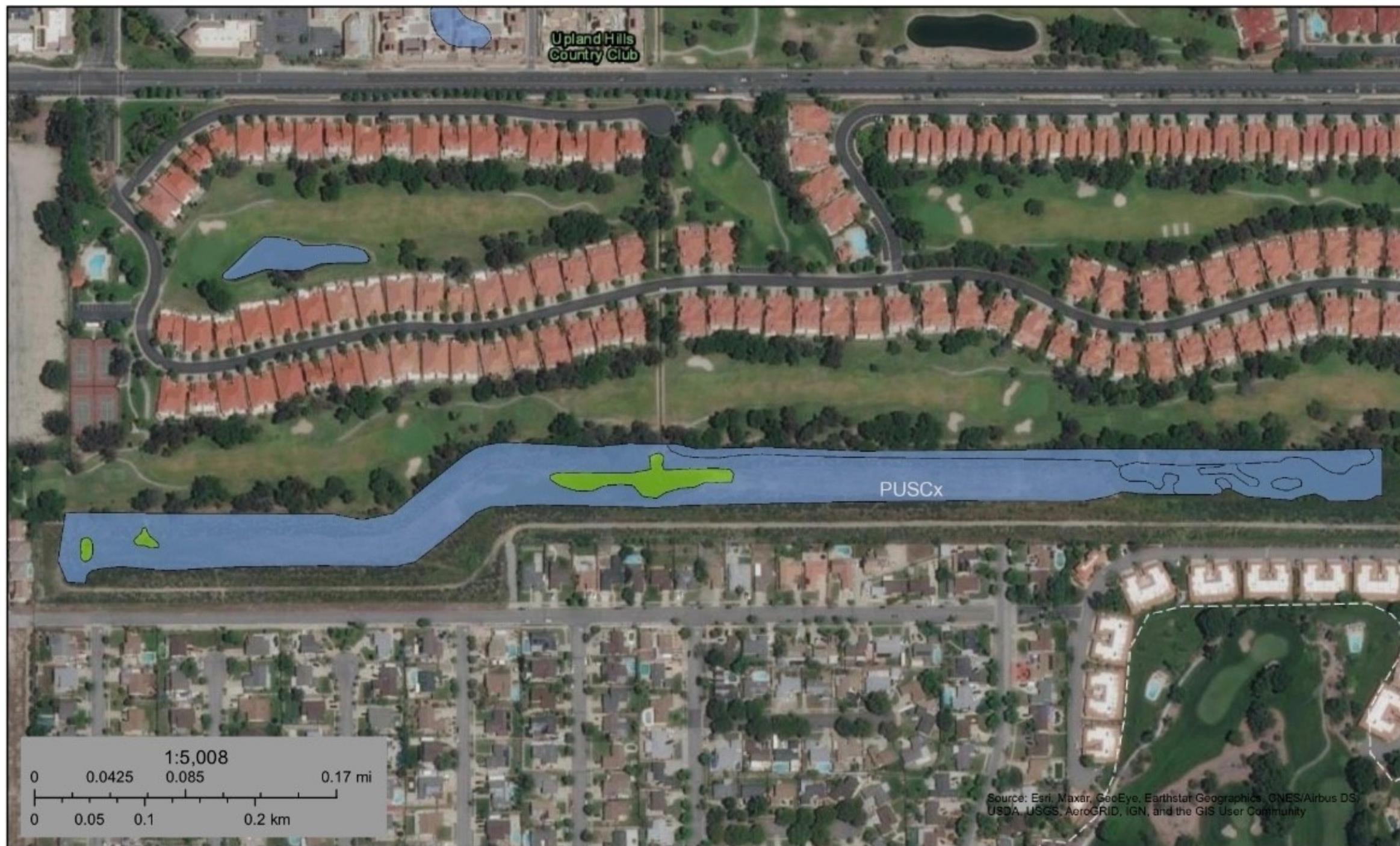
Sent from [Mail](#) for Windows 10



U.S. Fish and Wildlife Service

National Wetlands Inventory

Upland 15th Street Basin



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

May 17, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

From: [Quechan Historic Preservation Officer](#)
To: [Joshua Winter](#)
Subject: Villa Serena Specific Plan
Date: Wednesday, February 23, 2022 11:55:29 AM
Attachments: [image001.jpg](#)

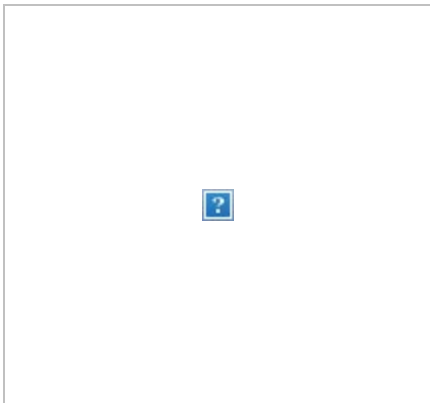
WARNING: External email. Please verify sender before opening attachments or clicking on links.

This email is to inform you that we have no comments on this project. We defer to the more local Tribes and support their decisions on the projects.

Thank you,

H. Jill McCormick, M.A.

Quechan Indian Tribe
Historic Preservation Officer
P.O. Box 1899
Yuma, AZ 85366-1899
Office: 760-572-2423
Cell: 928-261-0254
E-mail: historicpreservation@quechantribe.com



Virus-free. www.avast.com

From: [Ryan Nordness](#)
To: [Joshua Winter](#)
Subject: EIR City of Upland NOP for the Villa Serena Specific Plan DEIR
Date: Wednesday, March 9, 2022 12:32:49 PM

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello Mr. Winter,

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on March 9th, pursuant to CEQA (as amended, 2015) and CA PRC 21080.3.1. The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department's present state of knowledge, SMBMI does not have any concerns with the project's implementation, as planned, at this time. As a result, SMBMI requests that the following language be made a part of the project/permit/plan conditions:

CUL MMs

In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

TCR MMs

The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources

Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Note: San Manuel Band of Mission Indians realizes that there may be additional tribes claiming cultural affiliation to the area; however, San Manuel Band of Mission Indians can only speak for itself. The Tribe has no objection if the agency, developer, and/or archaeologist wishes to consult with other tribes in addition to SMBMI and if the Lead Agency wishes to revise the conditions to recognize additional tribes.

Please provide the final copy of the project/permit/plan conditions so that SMBMI may review the included language. This communication concludes SMBMI's input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during project implementation. If you should have any further 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.

Respectfully,
Ryan Nordness

Ryan Nordness

Cultural Resource Analyst

Ryan.Nordness@sanmanuel-nsn.gov

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Department of Public Works

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

Brendon Biggs, M.S., P.E.
Director

Noel Castillo, P.E.
Assistant Director

Trevor Leja
Assistant Director

March 8 2022

File: 10(ENV)-4.01

CITY OF UPLAND
Attn: Joshua Winter
Development Services Department,
Planning Division
460 North Euclid Avenue
Upland, CA 91786
jwinter@uplandca.gov

Transmitted Via Email

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VILLA SERENA SPECIFIC PLAN

Dear Mr. Winter:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. We received this request on February 23, 2022 and pursuant to our review, we have the following comments:

Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120):

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Proposed Project is subject to both the Comprehensive Storm Drain Plan (CSDP) #7, dated July 1966, and the Upland Master Plan of Drainage (MPD) dated, November 1994. These are to be used as a guideline for drainage in the area and are available in the County's Flood Control District Offices. Any revision to the plans drainage should be reviewed and approved by the City. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the Draft EIR before the document is adopted by the Lead Agency.
2. The District's recommendations are most often made for site specific conditions. Therefore, the recommendations made here are general in nature until such time as more detailed plans become available.
3. According to the most recent FEMA Flood Insurance Rate Map (FIRM), Panel 06071C8607H, dated August 28, 2008, the Project lies within Zone X (outside the 500-yr. floodplain). Impacts associated with the occurrence of the project within the mentioned floodplain and mitigation, should be discussed within the environmental documents prior to adoption or certification.
4. The District owns the existing West Cucamonga By-Pass Channel within the scope of the Project. Therefore, other on-site, or off-site improvements may be required, which cannot be determined from

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5. the tentative plans at this time, and would have to be reviewed after more complete improvement plans and drainage analysis have been submitted to the District.
6. One of the benefits of the CSDP/MPD is to identify the alignment of future and flood control facilities. It is hoped that the City will continue to use this document to protect the alignment of future facilities.
7. We recommend that the November 1994, Upland MPD for the City of Upland, prepared by Williamson & Schmid - Consulting Civil Engineers and Land Surveyors, be utilized in the design of drainage facilities.

Permits/Operations Support Division (Sameh Basta, Chief, 909-387-7995):

1. The project site is located outside of the District's Right-of-way. Based on the parcel number provided no permit is anticipated to be required at this time. However, any encroachment on the District's right-of-way or facilities, including but not limited to access, fencing and grading, utility crossings, landscaping, new and/or alteration to drainage connections will require a permit from the SBCFCD prior to start of construction. The necessity for permits, and any impacts associated with them, should be addressed in the Draft EIR prior to adoption and certification. If you have any questions regarding this process, please contact the FCD Permit Section at (909) 387-1863

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County 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.

Sincerely,

Michael Perry

Michael R. Perry
Supervising Planner
Environmental Management

MP:AG:mm



March 17, 2022

Mr. Joshua Winter, Associate Planner
City of Upland Development Services Department, Planning Division
460 North Euclid Avenue
Upland, California 91786
Phone: (909) 931-4130
E-mail: jwinter@uplandca.gov

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Villa Serena Specific Plan [SCAG NO. IGR10574]

Dear Mr. Winter,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Villa Serena Specific Plan ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG's adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is also the authorized regional agency for Intergovernmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Villa Serena Specific Plan in San Bernardino County. The proposed project includes the establishment of a residential specific plan for the development of a gated residential community with 65 single-family detached residential units and on-site active and passive recreational amenities on a 9.2-acre site.

When available, please email environmental documentation to IGR@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Anita Au, Senior Regional Planner, at (213) 236-1874 or IGR@scag.ca.gov. Thank you.

Sincerely,

Frank Wen, Ph.D.
Manager, Planning Strategy Department

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

SOUTHERN CALIFORNIA
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**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
VILLA SERENA SPECIFIC PLAN [SCAG NO. IGR10574]**

CONSISTENCY WITH CONNECT SOCIAL

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with Connect SoCal.

CONNECT SOCIAL GOALS

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

SCAG CONNECT SOCIAL GOALS	
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>
Goal #3:	<i>Enhance the preservation, security, and resilience of the regional transportation system</i>
Goal #4:	<i>Increase person and goods movement and travel choices within the transportation system</i>
Goal #5:	<i>Reduce greenhouse gas emissions and improve air quality</i>
Goal #6:	<i>Support healthy and equitable communities</i>
Goal #7:	<i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i>
Goal #8:	<i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>
Goal #9:	<i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i>
Goal #10:	<i>Promote conservation of natural and agricultural lands and restoration of habitats</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCIAL GOALS		
Goal		Analysis
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.		etc.

Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

Connect SoCal also identifies natural lands resources and outlines strategies to protect and enhance biodiversity, habitat, wildlife corridors and agricultural areas in the SCAG region. For further information on these strategies, please review the [2020 Connect SoCal Natural and Farm & Farm Lands Conservation Technical Report](#). The proposed project appears to be located in or near a Freshwater Pond and/or Freshwater Emergent Wetland according to the U.S. Fish & Wildlife Service National Wetlands Inventory, which is viewable at <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>.

DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG's 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development

agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California's GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal's Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of Upland Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	78,531	84,208	87,158	92,963
Households	6,333,458	6,902,821	7,170,110	7,633,451	27,016	29,336	30,496	32,817
Employment	8,695,427	9,303,627	9,566,384	10,048,822	36,769	38,960	40,056	42,247

MITIGATION MEASURES

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG's Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

March 9, 2022

Dear Joshua Winter:

My name is Shari Wasson, I am a long-time resident of Upland. I have been naturalist and a birder for over 30 years, having taken courses at the college level in California Natural History (including bird identification) and Field Botany. I am submitting the following comments regarding the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Villa Serena Specific Plan.

Although I am against the development of the 15th Street flood basin, I am pleased that the city is preparing an EIR for this project instead of a less comprehensive analysis like that of an Initial Study/Mitigated Negative Declaration (IS/MND). A thorough and accurate EIR should help ensure that the Upland community has a complete understanding of how their environment would be significantly affected by this project if it is approved by the city council.

I and other residents remain greatly concerned about the impacts this project will have on the habitat and the biological resources within the proposed housing development site and the adjacent 11.1 acres. We are also concerned about the damage that has been done to the habitat in the basin over the last 2 years, and the potential for this destruction to result in an inaccurate biological assessment of the site.

Previous bulldozing and degradation of habitat on west side:

In May 2020, during the nesting bird season, the mature native coastal sage scrub habitat on the west side of the basin, where the housing development has been proposed, was bulldozed under the label of 'weed abatement.' This destruction was 'wholesale' in that nearly all plants, including small trees and numerous stands of prickly pear cactus were destroyed or severely damaged. In May of 2021, this side of the basin was again bulldozed under the auspices of 'weed abatement.' According to several residents living in proximity of the basin, in previous years the floor of the basin would occasionally be cleared of plants, and weed-whacking for fire danger at the street margin would occur each Spring. No one I spoke to could recall a time when the basin slopes had been cleared of mature plants through bulldozing.

Due to the bulldozing, the habitat on the west side of the basin has been severely damaged and does not presently reflect the quality and vitality of the habitat prior to these destructive activities.

Including the state of the habitat on the west side prior to bulldozing:

A fair a comprehensive biological assessment of the site needs to take into consideration the state of the west side of basin prior to bulldozing activities. Species that are regenerating after the bulldozing should be assessed, along with the small areas of habitat on this side that remain intact. These will help provide a sense of the types of species on the site, if not the density, or the vitality.

In addition, as the east side of the basin and the west side of the basin are contiguous, we may presume that they shared some common plant and animal species. Thus, the intact habitat and species found on the east side of the basin may be considered reflective of the habitat and species that had been on the west side. An assessment of the east side should be used to help inform the assessment of the west side.

In order to help demonstrate the density and vitality of the habitat prior to bulldozing, I am attaching a word document titled 'NOP Attachment - Basin and Bulldozing' that contains some photos of the west side of the basin before, during, and after bulldozing. In some of the photos, I have also labeled some of coastal sage scrub plant species visible in the foreground of the images.

I am also attaching a plant species list (NOP Attachment – Plant List April 2020) and a bird species list (NOP Attachment – Bird List April 2020) compiled from surveys conducted in the basin on April 10, 11, 12, 2020, prior the first bulldozing on May 14 and 15, 2020. These lists had previously been submitted for public comment to the City Council at the public hearing on April 13, 2020 regarding the Villa Serena Development.

Prohibition of further bulldozing of habitat:

In order to promote as fair and accurate biological assessment as possible for the EIR, there must be protections in place that will prevent further destruction and degradation of the habitat throughout the basin. Therefore, I request that the City prohibit further bulldozing of any and all parts of the basin, both west and east.

Including the east side of basin in biological assessment:

It is important to include the east side of the basin in the biological analysis in order to more accurately develop an analysis of the west side; however, it also needs a thorough assessment since the project proposes modifications to this area. Assessment of this area appears to have been largely overlooked in the original IS/MND. The original IS/MND for this project indicated that modifications to the east side would include grading a large portion of the basin to create a new footprint at its western end, creating new slopes and new berms, etc. This activity would surely result in the damage and destruction of significant portions of habitat on the east side of the basin. This is habitat that, like the west side, includes coastal sage scrub and wetland areas. The EIR needs to address the need for mitigation for both the wetland and the coastal sage scrub habitats.

As the project entails significant modifications to the east 11.1 acres of the flood basin, with this area remaining an active flood basin, perhaps the project should more accurately be titled The Villa Serena and 15th Street Flood Basin Specific Plan. The EIR should comprehensively address the modifications to this side of the basin including detailed plans covering depths, slopes, berm height changes, capacity, flood risks, access roads, planned habitat restoration, etc. Furthermore, all areas within the 11.1 acres that will be affected by the modifications should be included in the project footprint map via shading.

In addition, the following trustee agencies should be consulted regarding the proposed modifications to the basin: California State Division of Safety of Dams, and The San Bernardino County Flood Control District.

Wetland/riparian project issue:

In the Notice of Completion and Environmental Document Transmittal, the category of Wetland/Riparian is not checked in the section titled 'Project Issues Discussed in Document.' However, the EIR should address the issue of Wetland/Riparian habitat, as there are several wetland areas spanning the flood basin, from the west side (proposed housing development site) to the east side (proposed modified basin). Some of the plant species supported by these wetlands include: cattails (*Typha* sp.), sandbar willow (*Salix exigua*), watercress (*Nasturtium officinale*), water smartweed (*Persicaria hydropiperoides*), and seep monkey flower (*Erythranthe guttata*, formerly

classified as *Mimulus guttata*).

The proposed site of the housing development contains wetland mitigation areas for previously existing wetlands that were part of a 1999 streambed alteration agreement between the City and CDFW. I am attaching a copy of the 1999 Streambed Alteration Agreement and the 2006 Staff Report on the state of wetlands.

The 2006 Staff Report on the state of the wetlands contains an aerial photo of the basin with wetlands stations numbered 1 – 6. Wetlands at stations 4, 5, and 6 are on the west side of the basin, within the footprint of the proposed housing development, and would be destroyed if the project is approved. The east side wetlands are also subject to destruction by the project due to the modifications proposed on that side. The EIR needs to address mitigation for these wetlands.

I am attaching a word document titled ‘NOP Attachment -Wetlands’ containing screen shots which compare the labeled aerial photo of the wetlands with an aerial photo of the project site provided in the NOP. Comparing these two photos clarifies the location of wetlands 4, 5, and 6 relative to the housing development site. This word document also contains photos of some of the wetlands as they appeared on April 9, 2020, prior to the bulldozing, and I have labeled some of wetland plant species visible in one of the images.

Biologist’s Memo:

I am attaching a memorandum (Memo Upland Hills TEsurveys 3Nov2a) written by Dan Cooper, a biologist and bird expert, which further corroborates the presence of the wetlands within the basin. Mr. Cooper’s visit took place on July 24, 2020, after the first bulldozing of the west side of the basin. Mr. Cooper’s memo notes the presence of several of the wetland plant species mentioned in the section above, and further contains information about the coastal sage scrub habitat, the state of regeneration of the habitat on the west side after the first bulldozing, a list of bird species observed on the site at the time of his visit, and recommendations regarding surveys for the coastal California gnatcatcher (*threatened*), least Bell’s vireo (*endangered*), and burrowing owl (*species of special concern*). It is important that protocol surveys for these species be conducted.

Mr. Cooper's memo also notes that at the time of his visit, several of the bulldozed plants were "vigorously re-sprouting." This further supports the need to factor in the state of the habitat in the basin prior to bulldozing, as it suggests that without repeated and regular destruction, the habitat is capable of reflecting its original intact state.

Need for multiple site visits at different times of year and times of day:

The basin supports a host of native plant, animal and bird species, several of which are associated with wetland habitats. A comprehensive assessment and inventory of all species occurring in the basin needs to be conducted so that the public has as clear an understanding as possible of the resources that will be affected and that need to be mitigated for should the project be approved. To this end, the biological assessment should involve multiple visits to the site, at differing times of the year, and times of day. Evening visits should be included to assess the presence of nocturnal species such as bats, rodents, amphibians, and insects. Palm trees such as are found on the site, are known to provide roosts for the western yellow bat, though the presence of water and open space would attract various bat species in their hunt nocturnal insects. In addition, I and other neighbors can certainly attest to the presence in the basin of the Baja California tree frog which is heard with seasonal regularity in the evenings, but which may go unnoticed in the day.

Thank you for your time and consideration.

Sincerely,

Shari Wasson

7 Attachments:

CDFW 1999 Streambed Alteration Agreement w/ City of Upland
Upland's 2006 Wetlands Staff Report (related to 1999 Streambed Alteration Agreement)

NOP Attachment – Bird List April 2020

NOP Attachment – Plant List April 2020

Memo Upland Hills TEsurveys 3Nov2a

NOP Attachment - Basin and Bulldozing

NOP Attachment - Wetlands

DEPARTMENT OF FISH AND GAME

Golden Shore, Suite 50
Long Beach, California 90802
(562) 590-5137

RECEIVED
NOV 4 1999
CITY OF UPLAND
PUBLIC WORKS DEPARTMENT

AGREEMENT REGARDING PROPOSED ACTIVITIES SUBJECT TO
CALIFORNIA FISH AND GAME CODE SECTION 1601

NOTIFICATION NUMBER: 6-108-99

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and Rob Turner of City of Upland, Public Works, P.O. Box 460, Upland, 91785, State of California, hereinafter called the **Operator**, is as follows:

WHEREAS, pursuant to Section 1601 of California Fish and Game Code, the Operator, on the 1st day of September 1999, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s)/lake of, the following water(s): 15th Street Flood Detention Basin associated with West Cucamonga Creek; tributary to Santa Ana River in San Bernardino County; located within Sections 5, Township 1S, Range 7W, USGS Map Ontario.

WHEREAS, the Department (represented by Rebecca Jones) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: red-tailed hawk, re-winged blackbird, cinnamon teal, mallard, killdeer, other birds, mammals, reptiles, amphibians,, plants, and other aquatic related resources and wildlife in and their associated areas affected by the proposed project in this agreement.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

THIS AGREEMENT BECOMES EFFECTIVE ON date of Department's signature AND TERMINATES ON September 30, 2001 for the proposed projects only. This agreement shall remain in effect for that time necessary to satisfy the terms and/or conditions of this agreement.

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION No. 6-108-99:

1. The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement, shall be subject to separate notification pursuant to Fish and Game Code §1600.
2. The Operator proposes to alter the streambed to fill in approximately 11.2 acres of the flood control basin and deepen the remainder of the basin to maintain current flood protection. The basin is being filled at the request of the Santa Ana Regional Water Quality Board due to ground water impacts from an adjacent inactive landfill.
3. The agreed work includes activities associated with No. 2 above. The project area is located at the **Northeast corner of 15th Street and Campus Avenue, Upland in San Bernardino County.** Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator and shall be implemented as proposed unless directed differently by this agreement.
4. The Operator shall request an extension, if needed, of this agreement prior to its termination. Extensions may be granted for up to 12 months from the date of termination of the agreement and are subject to departmental approval. The extension request and fees shall be submitted to the Department's Region 6 Office at the above address. If the Operator fails to request the extension prior to the agreement's termination then the Operator shall submit a new notification with fees and required information to the Department. Any activities conducted under an expired agreement are a violation of Fish and Game Code Section 1600 et. seq. The Operator may request up to a maximum of 2 extensions of this agreement.
5. Disturbance or removal of vegetation shall not exceed the limits approved by the Department. Restoration shall include the revegetation of stripped or exposed areas with vegetation native to the area.
6. Equipment shall not be operated in wetted areas (including but not limited to ponded, flowing, or wetland areas) except as provided for in condition 7.
7. When work in a flowing stream is unavoidable, the entire stream flow shall be diverted around the work area by a barrier, temporary culvert, new channel, or other means approved by the Department. Construction of the barrier and/or the new channel shall normally begin in the downstream area and continue in an upstream direction, and the flow shall be diverted only when construction of the diversion is completed. Channel bank or barrier construction shall be adequate to prevent seepage into or from the work area. Channel banks or barriers shall not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock riprap, or other protective material. The enclosure and the supportive material shall be removed when the work is completed and removal shall normally proceed from downstream in an upstream direction.
8. Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential.
9. The perimeter of the work site shall be adequately flagged to prevent damage to adjacent riparian habitat.
10. The Operator shall not remove vegetation within the stream from March 1 to August 30 to avoid impacts to nesting birds, unless a preconstruction survey by a qualified biological consultant indicates the absence of any nesting birds at the work site.

11. This agreement does not authorize the take of any listed species. If threatened or endangered species occur within the proposed work area, or could be impacted by the work proposed, this agreement shall not be valid until the Operator obtains the required state and federal threatened and endangered species permits.
12. If mature perennial trees have been removed from the stream's banks, they shall be replaced in-kind, and maintained until established, under the direction of a Department representative.
13. There shall be no loss of wetland habitat and function. Impacts to wetland habitat shall be mitigated at a 1.5 to 1 ratio by management of the basin to allow for retention of wetland habitat at the eastern sector, which grows as a result of flow and pecculation in the basin.
14. An annual report shall be submitted to the Department by Jan. 1 of each year for 5 years after planting. This report shall include the survival, % cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.
15. Staging/storage areas for equipment and materials shall be located outside of the stream/lake.
16. Spoil sites shall not be located within a stream/lake, where spoil shall be washed back into a stream/lake, or where it will cover aquatic or riparian vegetation.
17. Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.
18. Any materials placed in seasonally dry portions of a stream or lake that could be washed downstream or could be deleterious to aquatic life shall be removed from the project site prior to inundation by high flows.
19. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof oil or petroleum products or other organic or earthen material from any maintenance, construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the state. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
20. The Operator shall provide a copy of this Agreement to all contractors, subcontractors, and the Operator's project supervisors. Copies of the Agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency upon demand.
21. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the Operator to ensure compliance. The clean up of all pollution spills shall begin immediately. The Operator shall notify the Department immediately of any spills and shall consult with the Department regarding clean-up procedures and requirements.

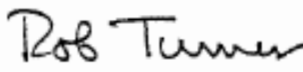
22. The Operator, contractors, subcontractors or any of the individuals mentioned above are jointly and severally liable for compliance with the provisions of this agreement. Any violation of the provisions of this agreement shall cause to cancel this agreement, and all activity shall stop immediately and shall not proceed until the Department has taken all of its legal actions and/or another agreement is made.
23. The Department reserves the right to enter the project site at any time to ensure compliance with the terms and conditions of this agreement. Copies of this agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel upon demand.
24. The Operator shall notify the Department, in writing, at least five (5) days prior to initiation of construction (project) activities and at least five (5) days prior to completion of construction (project) activities. Notification shall be sent to: Department of Fish and Game, Environmental Services Division, 330 Golden Shore, Suite 50, Long Beach, California 90802.
25. The Department reserves the right to suspend or cancel this agreement for other reasons, including but not limited to, the following:
- a. The Department determines that the information provided by the Operator in support of the Notification/Agreement is incomplete or inaccurate;
 - b. The Department obtains new information that was not known to it in preparing the terms and conditions of the agreement;
 - c. The project or project activities as described in the Notification/Agreement have changed; and
 - d. The conditions of or affecting fish and wildlife resources change or the Department determines that project activities will result in an adverse effect on the environment.

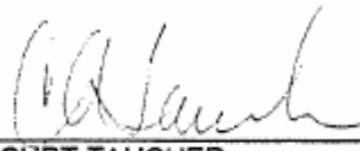
Prepared by: Rebecca Jones

CONCURRENCE

(Operator's name)

California Dept. of Fish and Game


ROB TURNER
Date 10/26/99


CURT TAUCHER
Date 10/31/99

Public Works Director
Title

Regional Manager, Reg. 6
Title



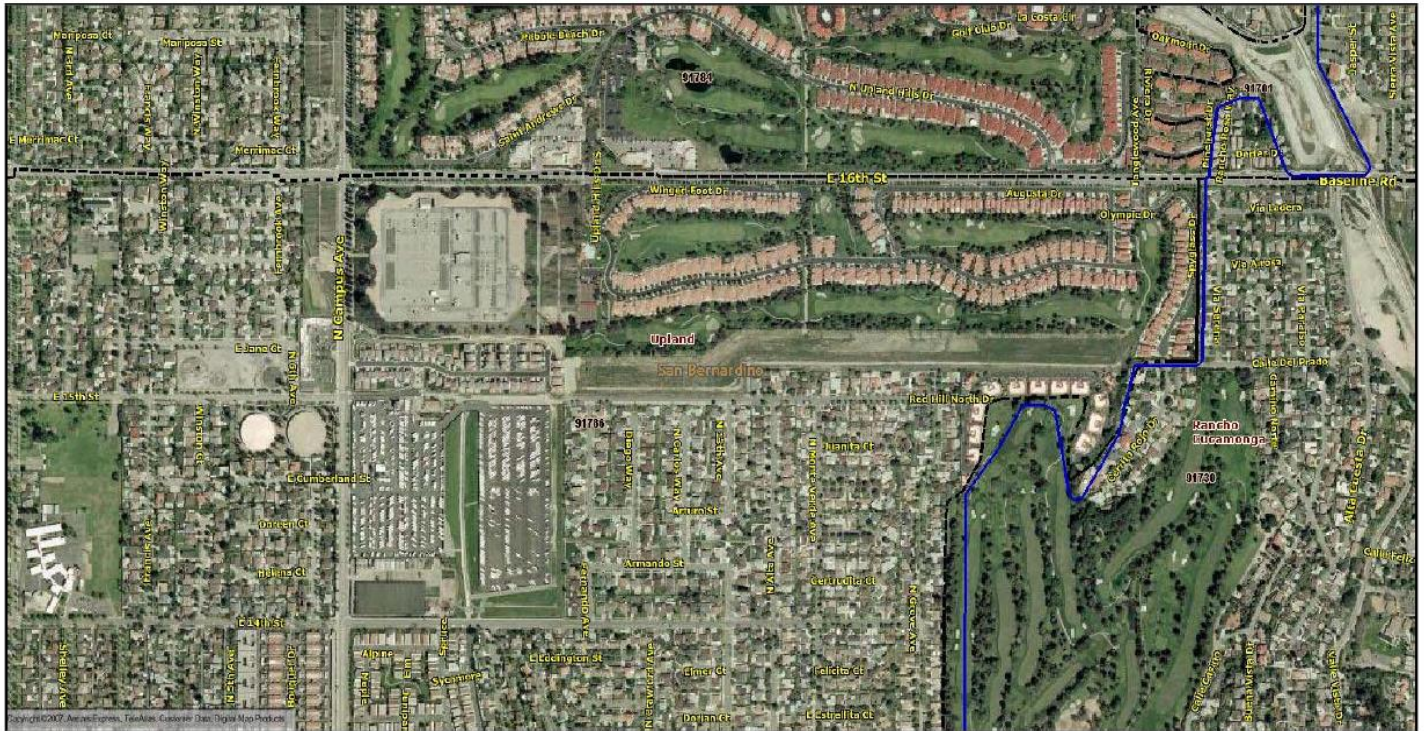
15th St Basin - East "Wetlands"

2.2 acres at the east end

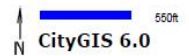


100ft
CityGIS

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15th ST FLOOD CONTROL BASIN PRESENT (2007) POST DEVELOPMENT CONDITIONS



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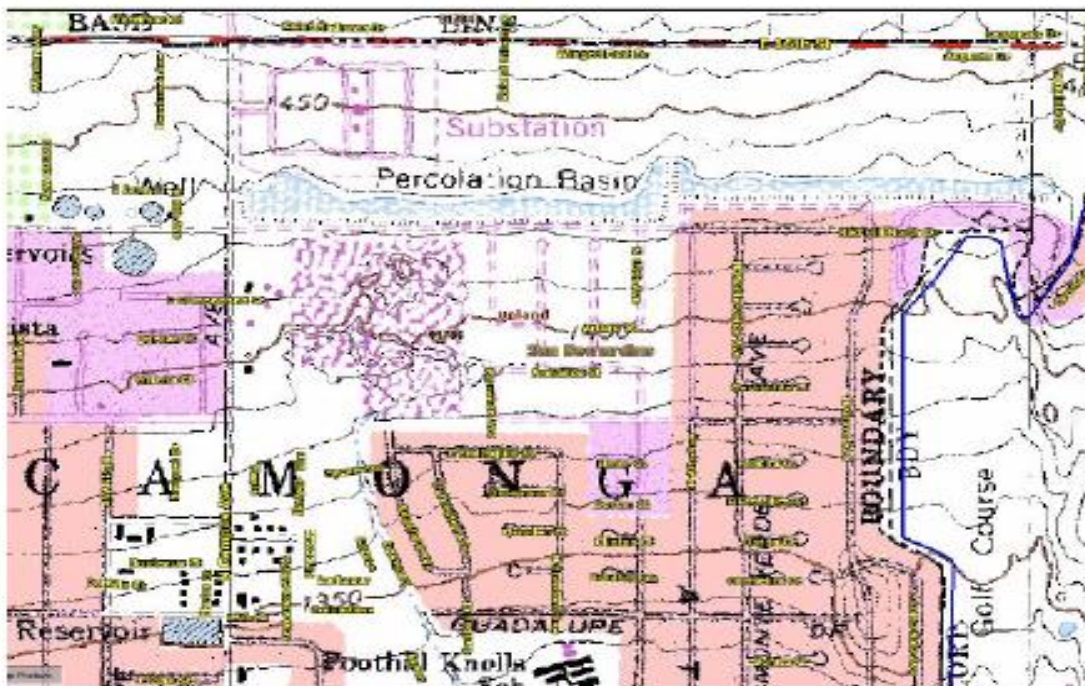
**STREAMBED ALTERATION AGREEMENT – 6-108-99
15TH STREET FLOOD CONTROL BASIN
CITY OF UPLAND**

ANNUAL REPORT – CY 2006

BACKGROUND :

The 15th Street Basin is at the upstream reach of the West Cucamonga Creek system. It functions as a flood attenuation basin to minimize flows below 14th St during a 100-year storm event. Prior to calendar year (CY) 2000, it consisted of four (4) parcels totaling about 32 acres.

Below is a 'snap-shot' of a USGS map depicting the limits of the original 15th St basin as it existed prior to CY 2000.



15th St Basin - City of Upland

USGS Topographic Map

In CY 2000, on orders from the Santa Ana Regional Water Quality Control Board to stop water impoundment or percolation north of the Upland Landfill, the City of Upland completed a capital improvement project to fill the westerly 12 acres and reduce the size of the basin. Before the project was implemented a biological assessment was completed and the results are discussed below.

PRE-CONSTRUCTION (CY 1998) SITE CONDITIONS AND BIOLOGICAL RESOURCES :

LSA Associates conducted a biological assessment of the whole 32-acre basin, as well as a literature review to identify any sensitive elements known or reported. A field survey was also performed by an LSA biologist, noting all observed plants and animal species. In addition, a 'wetlands' delineation was performed following the US Army Corps of Engineers Wetlands Delineation Manual (1987).

Their findings indicated the habitat quality of the site was considered to be of low value due to the limited diversity of vegetation, the suburban setting and the regular annual maintenance required for the safe operation of the flood basins. Vegetation consisted almost entirely of low-growing annual and perennial species. This single strata of vegetation provided very limited structural diversity and almost no cover value. The surrounding land uses also affected the habitat value of the site.

The single habitat component of any notable value on the site is the presence of water, albeit seasonally. Although there was water present on at least a seasonal basis, the uniform topography of the site and design features (i.e., spillways, flat bottom and evenly sloping sides) ensured that there is only shallow ponding of water. This also limited the habitat value of the site.

LSA delineated 6.5 acres spread over the entire 32 acres of the basin, mainly on the basin floor at areas immediately downstream of storm drain outlets to the basin, as wetlands. Within the westerly 11.2 acres that was filled, only about 1.2 acres were delineated as such.

This 1.2 acres was what was essentially lost due to the filling, with 5.3 acres remaining intact on the eastern unfilled portions of the basin.

MITIGATION CLAUSE UNDER THE STREAMBED ALTERATION AGREEMENT 6-108-99 :

Agreement No 6-108-99 Item 13, stipulates that -

"There shall be no loss of wetland habitat and function. Impacts to wetland habitat shall be mitigated at a 1.5 to 1 ratio by management of the basin to allow for retention of wetland habitat at the eastern sector which grows as a result of flow and percolation in the basin".

As discussed above, of the 6.5 acres delineated as wetlands, only 1.2 was lost as a result of the filling of the western 11.2 acres of the basin. In accordance with the permit, this 'lost' wetland area require a 1.8 acre replacement to be established within the remaining unfilled area

of the flood basin, in addition to the 5.3 acres for a total of 7.1 acres of wetlands over the remaining 20-acres of flood basin.

Below is a June 2000 photo showing the area to be abandoned and filled, prior to any clearing, demolition and grading work being done. There were no trees in the basin. The only vegetation are cattails growing along the toe of the slope immediately downstream of the 15th St Storm drain outfall to the basin.



Below is a picture of the same area taken during the later part of December 2000, after the backfilling work was completed.



On December 28, 2000, a letter was submitted to DFG informing of the completion of the 15th St Basin modifications. The report also stated that there were no trees removed from the basin. The only vegetative species at the basin floor were cattails which were anticipated to grow back in the 'wetland areas' downstream of the down-drains and drain outlets into the basin.

STATUS REPORT, CY 2006

1. Filled-in westerly 12-acres -

Below is a photograph depicting the new homes in the background and the westerly end of the reconfigured basin. The right-hand headwall and 90-inch diameter pipe is the downstream outlet of the storm drain system that conveys run-off to this basin. The smaller headwall and pipe on the left-hand is the upstream inlet of the storm drain system that attenuates high storm flow event and 'limits outflows to the downstream storm drain system. The rectangular concrete frame and grate visible just above and between the two headwalls is the 'spillway' for high storm flow event.



2. Deepened, reconfigured 20-acre basin -

Below is a portion of a 2003 aerial photo of the reconfigured basin. The numbers denote locations of down drains where water flows into the basin for percolation (also used as designated photo stations)



In compliance with the 1601 Permit provisions, Item No. 13, as well as the requirements of the USA-Corps of Engineers Permit, Item No. 2, maintenance activities for the basin were done in a phased manner that results in at least one third of the basin to remain vegetated and undisturbed for at least three (3) years; and allow for retention and establishment of wetland habitat.

Due to concerns about West Nile Virus, the San Bernardino County Dept. of Health Services, Vector Control Division has required the City of Upland to conduct maintenance work on the water ponds within the basin annually; we have collaborated with them to address their concerns and control mosquito breeding, while at the same time meeting compliance with the DFG and USA-COE permits.

WETLAND MITIGATION - CURRENT CONDITIONS, E/O CY 2006

The following are recent photographs of the areas where water flows into the basin, to depict the re-establishment of wetlands within the basin –

1. West end, storm drain headwall and outlet - showing the outfall of the 90-inch RCP main drain. Also note the down drain on the north slope that conveys run-off from the golf course drainage systems. The 'wet area' downstream of these two drains is estimated to be 0.25 acres. **(Photo Station 5)**



2. Closer view of the outfall from the 90-inch drain, showing the pond of water from street run-off. **(Photo station 6)**



3. A view of the down drain from the by-pass channel bisecting the Upland Hills Golf Course, just east of the bend at the middle third (central area of the reconfigured basin). The 'wet' areas at this location are measured at 0.53 acres. **(Photo Station 4)**



4. A closer look of the grouted riprap down drain and pond down slope of the drain that was deepened so "larvae-eating fish" could be introduced, as a vector control measure for the West Nile Virus concerns . **(Photo Station 4)**



5. Another down drain closer to the eastern third of the basin which together with two other drain outlets convey runoff to the easterly 1/3 of the basin. **(Photo Station 3)**

6. The two (2) down drains at the east end of the basin, one from the golf course to the north and the other from a residential street (Del Prado Rd) to the east. Note the vegetative growth at the slopes (**Photo Station 2**)



7. The area immediately downstream of the northeast corner down drain emptying into the basin for the east end of the golf course, with shallow ponds immediately downgradient of the storm drain outlets. (**Photo Station 1**)



8. The picture of the same location but continuing westerly to show the extent of 'wet areas' and vegetative growth at the basin floor. **(Photo Station 1)**



9. A portion of a recent aerial photo of the basins showing the eastern third of the basin and the approx 2.2 acres of 'wet' areas resulting from water flow and percolation into the basin.



Due to the unseasonably dry winter during CY 2006, there has been very little water flow into the basins. Notwithstanding the dry conditions, the pictures show that the limited wetland habitat at the eastern sector have been re-established as a result of flows from drainage systems at the adjacent golf course and surrounding tributary areas served by the City storm drain systems.

VEGETATION AND WILDLIFE HABITAT

The 1998 LSA Biological Assessment report characterized the vegetation of the basin into two categories; upland and wetland.

Wetland vegetation is restricted to those portions of the basin where water stand for some extended periods. Photos of the wetland vegetation were already depicted in the previous photos under the heading 'Wetland Mitigation'.

The upland vegetation covers the basin slopes and the parts of the basin where limited water was present.

The following pictures show the extent of regrowth of vegetative cover on the slopes as of the end of calendar year 2006.

10. The left-hand (foreground) of the picture depicts the north facing slope of the south berm. Note the dried-out shrubs. **(Photo station 2)**



The south facing slope (background) show more live 'green' vegetation, owing to the effect of the watering and irrigation from the adjacent golf course . **(Photo station 2)**

11. A closer view of the south facing slope shows shrubs, and small saplings. It should be apparent from this picture that the vegetation on the north slopes has been re-established. (Photo Station No. 3).



ASSESSMENT OF MITIGATION EFFORTS

a) Wetlands Mitigation –

The 1.2 acres lost from the westerly 12 acres that was filled in was to be mitigated by the creation of 1.8 acres downstream of the outlet of the 90-inch storm drain at the western end of the reconfigured basin. Unfortunately due to the unseasonably dry winter for this past year, the 'wet' areas occupied only approximately 0.25 acres as of this report date.

The 'wet' areas in the bottom of the 20-acre basin were measured as follows –

- | | |
|--|----------|
| • West end, 90-inch storm drain outlet
(Photo stations, 5 and 6) | 0.25 ac. |
| • Central portion, Bypass channel out
(Photo station 4) | 0.53 ac. |
| • Eastern third, downstream of 3 drains
(Photo stations 3, 2 and 1) | 2.20 ac |

The total area of the basin bottom is approximately 8 acres, and was configured to allow for the retention and percolation of water flows from the storms that feed into the basin. With favorable conditions, wetland habitat and function can be restored to pre-CY 2000 levels with run-off and storm flows into the basin.

b) Vegetation and Wildlife Habitat –

The upland vegetation covering the slopes of the south levee are typically 'abated' during summer to mitigate the fire hazards to the adjacent residential homes from dry brush. However on the north slope adjacent to the golf course, very little if, any abatement activity was conducted since the completion of the CY 2000 construction, resulting in better vegetative cover, shrubs and sapling growth.

The slope areas facing the basin available for 'upland' vegetation -

- a. north facing slope along the south levee,
- b. the east facing slope along the western limits of the basin
- c. the west facing slope on east end and
- d. south facing slope adjoining the golf course ,

have an aggregate area of approximately 10.5 acres.

PLANNED PHASED-MAINTENANCE ACTIVITY, 2007

In compliance with Item 10 of the Agreement, the City of Upland will not undertake any maintenance activity within the basin floor during the period from March to August 2007. The only vegetation control activity that might be undertaken would involved clearing of dry brush and dried-out vegetation from the slopes of the basin (not on the basin floor), and only to mitigate potential fire hazards that may ensue during the upcoming dry summer season.

This report was prepared in compliance with Item 14 of the Agreement.

End of Report

Environmental Division
Department of Public Works
City of Upland

List of Birds (April 10, 11, 12, 2020):

15th Street Flood Control Basin

Upland, San Bernardino Co., California, US

This list is the result of surveys conducted by participating parties over April 10, 11, 12, 2020. The number at the end of a given species name represents the largest quantity of a given species observed during this timeframe. Please note that this is a cumulative list for only 3 days, and not every species was observed on all three days. Therefore, this list does not reflect all possible avian species on the site at any given time, and it does not preclude the presence of others including such sensitive species as the burrowing owl (*species of special concern*), coastal California gnatcatcher (*threatened*), or least Bell's vireo (*endangered*).

In addition to the avian species below, the presence of frogs (heard chirping), various lizards, cottontail rabbits, ground squirrels, and coyotes were also observed on the site.

41 bird species.

Mallard (*Anas platyrhynchos*) 5
Mourning Dove (*Zenaida macroura*) 6
Anna's Hummingbird (*Calypete anna*) 12
Allen's Hummingbird (*Selasphorus sasin*) 10
Great Egret (*Ardea alba*) 1
Black-crowned Night-Heron (*Nycticorax nycticorax*) 1
Cooper's Hawk (*Accipiter cooperii*) 1
Red-tailed Hawk (*Buteo jamaicensis*) 3
Nuttall's Woodpecker (*Dryobates nuttallii*) 1
Pacific-slope Flycatcher (*Empidonax difficilis*) 1
Black Phoebe (*Sayornis nigricans*) 1
Ash-throated Flycatcher (*Myiarchus cinerascens*) 2
Cassin's Kingbird (*Tyrannus vociferans*) 3
California Scrub-Jay (*Aphelocoma californica*) 2
American Crow (*Corvus brachyrhynchos*) 5
Bushtit (*Psaltiriparus minimus*) 18
Ruby-crowned Kinglet (*Regulus calendula*) 1
Bewick's Wren (*Thryomanes bewickii*) 5
House Wren (*Troglodytes aedon*) 1
Northern Mockingbird (*Mimus polyglottos*) 4
House Sparrow (*Passer domesticus*) 2

Villa Serena NOP comments attachment - S Wasson – Bird List April 2020

House Finch (*Haemorhous mexicanus*) 3
Pine Siskin (*Spinus pinus*) 2
Lesser Goldfinch (*Spinus psaltria*) 4
White-crowned Sparrow (*Zonotrichia leucophrys*) 22
Song Sparrow (*Melospiza melodia*) 1
Lincoln's Sparrow (*Melospiza lincolni*) 1
Chipping Sparrow (*Spizella passerina*) 2
California Towhee (*Melospiza crissalis*) 7
Spotted Towhee (*Pipilo maculatus*) 1
Hooded Oriole (*Icterus cucullatus*) 3
Orange-crowned Warbler (*Leiothlypis celata*) 4
Nashville Warbler (*Leiothlypis ruficapilla*) 2
Common Yellowthroat (*Geothlypis trichas*) 1
Yellow-rumped Warbler (*Setophaga coronata*) 2
Black-headed Grosbeak (*Pheucticus melanocephalus*) 2
American Kestrel (*Falco sparverius*) 1
Great Blue Heron (*Ardea herodias*) 1
Turkey Vulture (*Cathartes aura*) 5
Killdeer (*Charadrius vociferus*) 1
Western Bluebird (*Sialia mexicana*) 2

List of Plants:

15th Street Flood Control Basin

Upland, San Bernardino Co., California, US

This list is the result of greatly **limited surveys** conducted over April 10, 11, 12, 2020. The surveys were conducted prior to bulldozing which occurred on May 14 and 15, 2020.

This is not a comprehensive list of plant species on the site. Many more species are present than were able to be identified by participating parties.

32 plant species:

- Mule-Fat: *Baccharis salicifolia*
- Common (Seep) Monkeyflower: *Mimulus guttatus*
- California Sagebrush: *Artemisia californica*
- Jimsonweed: *Datura Stramonium*
- Black Sage: *Salvia mellifera*
- California Buckwheat: *Eriogonum fasciculatum*
- Buckwheat: *Eriogonum* sp (possible additional buckwheat species)
- Deerweed: *Acmispon glaber*
- Hollyleaf Cherry: *Prunus ilicifolia*
- Scale Broom (*Lepidospartum squamatum*)
- California Croton: *Croton californicus*
- Common Fiddleneck: *Amsinckia intermedia*
- California Poppy: *Eschscholzia californica*
- Royal Penstemon: *Penstemon spectabilis*
- California Sun Cups: *Camissoniopsis bistorta*
- Wild Radish: *Raphanus raphanistrum*
- Watercress: *Nasturtium officinale*
- Yerba Santa: *Eriodictyon californicum*
- Tree Tobacco: *Nicotiana glauca*
- White Nightshade: *Solanum americanum*
- Coyote Melon: *Cucurbita foetidissima*
- California Sycamore: *Platanus racemosa*
- Coast Live Oak: *Quercus agrifolia*
- Fan Palm: *Washingtonia* sp.
- Brome grass: *Bromus* sp.
- Lupine: *Lupinus* sp.
- Cattail: *Typha* sp.

Villa Serena NOP comments attachment - S Wasson – Plant List April 2020

- Thistle: *Cirsium* sp.
- Mustard: *Brassica* ssp. (more than one species)
- Prickly Pear: *Opuntia* sp.
- Storksbill: *Erodium* sp.
- Plantain: *Plantago* ssp. (more than one species)



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MEMO

To: Friends of the Upland Wetlands

From: Daniel S. Cooper

Date: Nov. 3, 2020

Re: Habitat assessment, California Gnatcatcher

I report on a visit to a flood-control basin along the southern edge of Upland Hills Country Club, located just north of E. 15th St. in Upland, California. My survey was conducted between 8:00 – 10:00 AM on the morning of July 24, 2020, and conditions were ideal for a survey (mid-70s clear/calm).

Site Description

This shallow flood control basin extends east-west between the country club greens and residential development (tract housing) on E. 15th St. (**Figure 1**). Runoff from the golf course enters through four principal drains on the north side of the basin. This basin is situated along the floodplain of Cucamonga Creek, but I did not investigate the hydrological connection between the basin and the creek.

The slopes of the basin are vegetated with coastal sage scrub/alluvial fan scrub comprised of native shrub species with scattered non-natives, while the floor of the basin is comprised of a mix of native and non-native forbs in addition to areas of the same coastal scrub. Dominant species include California buckwheat (*Eriogonum fasciculatum*) and California sagebrush (*Artemisia californica*). Areas of the basin floor support native forbs largely restricted to seasonally-moist sandy/gravelly soil locally, such as Palmer's amaranth (*Amaranthus palmeri*) and a navarretia that is likely hollyleaf navarretia (*Navarretia* cf. *atractylodes*). In areas where the drains enter, small wetlands have formed, which support freshwater marsh species such as cattails (*Typha* sp.), sandbar willow (*Salix exigua*), water smartweed (*Persicaria hydropiperoides*), and seep monkeyflower (*Erythranthe guttata*).

Historical Context/Recent Changes

The western portion of the basin was recently scraped of its vegetation (5/14-15/20; *vide* S. Wasson), leaving deep furrows in the earth, ostensibly for “weed abatement”. This activity was done to both the floor as well as the slopes of the basin, but did not remove all the root systems of all plants, and

many shrubs were vigorously re-sprouting at the time of my visit. Based on an analysis of recent-historical aerial photos (Google Earth Pro), this clearing appears to be regular along the basin floor, and occurred at least in or prior to 2007 on the north slope (i.e., nearest the golf course), but the south slopes have been left relatively intact since c. 2007 (i.e., for 13 years) (**Figures 2a and 2b**).

Bird/Wildlife observations

I observed bird species that are typical of native scrub, as well as species typical of ornamental landscaping (planted street trees) in residential development, throughout southwestern California. Several species observed are typical of riparian and freshwater marsh habitat, including Blue Grosbeak (*Passerina caerulea*), Common Yellowthroat (*Geothlypis trichas*) and Song Sparrow (*Melospiza melodia*). I observed three raptor species that all likely nest locally, Red-tailed Hawk (*Buteo jamaicensis*), Red-shouldered Hawk (*B. lineatus*) and Cooper's Hawk (*Accipiter cooperii*).

Suitability for California Gnatcatcher

No **California Gnatcatcher** was observed, and based on sightings in extreme southwestern San Bernardino County (e.g., www.eBird.org, Cooper et al. 2017), it is unlikely this species would occur. It has not been recorded at the "Upland Trails" basins to the north, which support much more extensive scrub, for example. A large population is present in San Dimas (including at Bonelli Park, and nearby vic. San Dimas Canyon to the north), which is c. 10 km to the west of the site. Very small numbers (1-2 birds) have recently been documented at the North Etiwanda Preserve, which is c. 10 km northeast of the site. California Gnatcatchers are fully capable of dispersing across 10 km of unsuitable habitat (*Ibid*), so it is conceivable they could find the flood control basin; however, it is probably unlikely that a population would develop given the small size of the site and its isolation. Still, based on the presence of coastal sage scrub between known populations of the species, I would recommend that future modifications be accompanied by surveys for California Gnatcatcher since it does support vegetation favored by the species.

Another sensitive species that could utilize the site include **least Bells' Vireo** (*Vireo bellii pusillus*), a federally and state endangered songbird that frequents riparian habitat, and that can occur in fairly small patches. There are several records of least Bell's Vireo from the Upland Trails area less than a kilometer to the north (www.eBird.org). Therefore, I would recommend that future modifications be accompanied by surveys for least Bell's Vireo since it does support vegetation favored by the species.

The site could also be utilized by **Burrowing Owl** (*Athene cuniculata*), but this species requires very low, sparse vegetation, and is not known to persist in small habitat patches locally (nearest population is very large undeveloped vacant lots near the Ontario Airport, one of the last resident populations in southwestern California). Still, based on the presence of bare ground and flat land, I would recommend that future modifications be accompanied by surveys for Burrowing Owl since it does support conditions favored by the species.

Sources cited:

Cooper, D.S., J. Mongolo and C. Dellith. 2017. Status of the California Gnatcatcher at the northern edge of its range. *Western Birds* 48:124-140.

I hereby certify that the information herein is correct.



Daniel S. Cooper
President, Cooper Ecological Monitoring, Inc.
TE-100008-3

Species list

Observations from July 24, 2020 (D.S. Cooper)

Mallard (*Anas platyrhynchos*) 1 1 fly-over (female)
Mourning Dove (*Zenaidura macroura*) 2
Costa's Hummingbird (*Calypte costae*) 1
Rufous/Allen's Hummingbird (*Selasphorus rufus/sasin*) 4
Cooper's Hawk (*Accipiter cooperii*) 2 ad and juv southeast corner
Red-shouldered Hawk (*Buteo lineatus*) 1 juv. crashing through Shamel Ash along
fenceline
Red-tailed Hawk (*Buteo jamaicensis*) 1 soaring to north
Nuttall's Woodpecker (*Dryobates nuttallii*) 2
Black Phoebe (*Sayornis nigricans*) 3 incl. juv
Ash-throated Flycatcher (*Myiarchus cinerascens*) 1
California Scrub-Jay (*Aphelocoma californica*) 2
Oak Titmouse (*Baeolophus inornatus*) 1
Barn Swallow (*Hirundo rustica*) 2
Cliff Swallow (*Petrochelidon pyrrhonota*) 2
Bushtit (*Psaltiriparus minimus*) 15
House Wren (*Troglodytes aedon*) 1
Bewick's Wren (*Thryomanes bewickii*) 6
House Finch (*Haemorhous mexicanus*) 20
Lesser Goldfinch (*Spinus psaltria*) 15
Lawrence's Goldfinch (*Spinus lawrencei*) 5
Chipping Sparrow (*Spizella passerina*) 3 Juv. seen well - flew in calling to weedy patch;
small pale bill, long tail, fine streaks on chest. Distinctive seet *Spizella* call. Assume other two
birds were also juvs which aren't unexpected in early fall.
Song Sparrow (*Melospiza melodia*) 1
California Towhee (*Melospiza crissalis*) 8
Spotted Towhee (*Pipilo maculatus*) 1 singing along fenceline
Hooded Oriole (*Icterus cucullatus*) 2 pair
Brown-headed Cowbird (*Molothrus ater*) 1 male
Common Yellowthroat (*Geothlypis trichas*) 1
Western Tanager (*Piranga ludoviciana*) 1 flight call top of euc
Black-headed Grosbeak (*Pheucticus melanocephalus*) 3 family group; flew to south
Blue Grosbeak (*Passerina caerulea*) 1 female/juv. male flushed from marshy patch

Figures



Figure 1. Location (red outline). The “Upland Trails” parkland referred to in the text is visible at the top of the photo (former gravel pits).

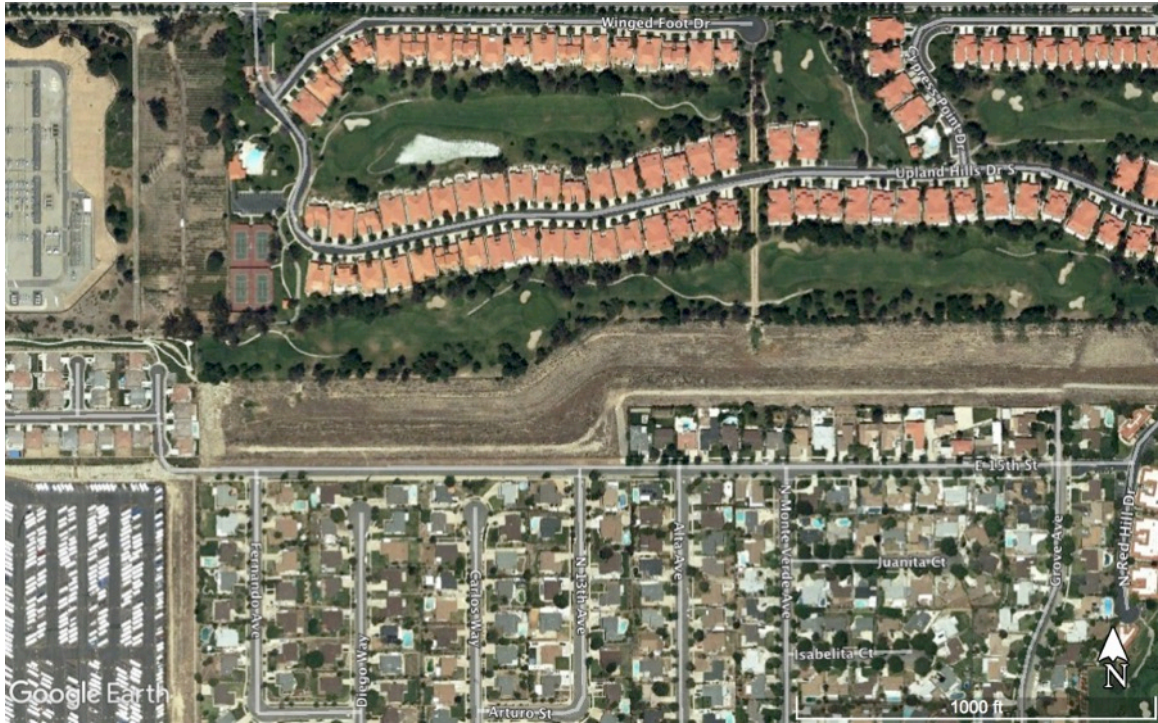


Figure 2a. 2007 aerial photo of basin, showing cleared north slope and floor.



Figure 2b. May 2019 aerial photo of basin, showing vegetated slopes and floor, including green area where drain supports wetland vegetation.

Contact Information

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255 Satinwood Ave.
Oak Park, CA 91377
Cell: 323.397.3562
Email: dan@cooperecological.com
Website: www.cooperecological.com

Overview

Daniel S. Cooper is the author of Important Bird Areas of California (Audubon California 2004), and is an authority on California bird ecology, identification and distribution. He has a strong background in natural history and biodiversity, and has designed and managed numerous monitoring and assessment projects for a variety of clients, both in the U.S. and abroad. He is an associate editor of the journal *Western Birds*, and works as an independent consultant and researcher.

Areas of Expertise

- Biological assessments for public and private lands;
- Bird and wildlife surveys, including protocol-level surveys;
- Environmental compliance (CEQA/NEPA) and monitoring

Years of Experience

CEM, Inc.: 11 years
Audubon California: 5 years

Education

BA/1995/Harvard University
MSc (Biogeography)/1999/UC Riverside

Certifications

U.S. Fish and Wildlife Permit No. TE-100008-2 (Yellow-billed Cuckoo, Southwestern Willow Flycatcher, California Gnatcatcher).
CDFG Scientific Collecting Permit SC-10615 (as above; add: San Diego Cactus Wren)
USGS Master Station Banding Permit #23049 (2001-2004)

Recent Boards

Associate Editor, *Western Birds*, 2014 -
Southern California Academy of Sciences, 2012 - 2015
Southern California Beach Metrics Working Group, 2009 -
Los Angeles Co. Dept. of Regional Planning - Sensitive
Environmental Areas Tech. Adv. Com., 2009 - 2014.

Teaching/Advising

California State University, Los Angeles, CA. Advisor,
graduate student committee member.
Loyola Marymount Univ. (CUREs), Westchester, CA. Co-
taught BIO 398 (field biology); advisor, graduate student
committee member.
UCLA Extension School, Los Angeles, CA. Instructor
(conservation biology and bird monitoring)
University of California, Riverside, CA. Graduate Teaching
Assistant, geomorphology, natural disasters, & astronomy.

Daniel S. Cooper

President, Cooper Ecological Monitoring, Inc.

Long-term Projects

Griffith Park Natural History Survey

Researched and co-authored Griffith Park Wildlife Management Plan. Supervised development of website (www.griffithparkwildlife.org; with Cartifact, Inc.). Developed first-ever study of wildlife of Griffith Park, focusing on the 2007 burn area, including plants, breeding/wintering birds, reptiles/amphibians, and bats (ongoing).

Local Coastal Plan updates, Los Angeles Co. Worked with County Department of Regional Planning to develop conservation & management plan for Marina del Rey's LCP update, and to inventory and map biodiversity hotspots in central Santa Monica Mountains for the L.A. Co. Coastal Zone LCP update (2009-2014).

Baseline Bird Survey, Ballona Wetlands, Los Angeles.

Designed, organized and carried-out first major all-bird survey of entire Ballona Wetlands Ecological Reserve and adjacent lands for Santa Monica Bay; coordinated protocol-level and volunteer-led surveys for sensitive species, waterbirds, raptors, and breeding songbirds of the 500-acre site (2009-2012).

Harvard Forest, Petersham, MA. Visiting researcher in 2011, 2013, and 2016, studying the changes in avifauna and lepidoptera since 1993 surveys (as an undergraduate student) (ongoing).

Selected Publications

Cooper, D.S. and A.E. Muchlinski. 2015. Recent decline of lowland populations of the western gray squirrel in the Los Angeles area of southern California. *Bull. Southern California Acad. Sci.* 114(1):42-53.

Bonebrake, T.C. and D.S. Cooper. 2014. A Hollywood drama of butterfly extirpation and persistence over a century of urbanization. *Journal of Insect Conservation* 18(4):683-692.

Cooper, D.S., L.S. Hall and A.J. Searcy. 2014. A population census of the cactus wren in Ventura County, California. *Western Birds* 45(1):43-56

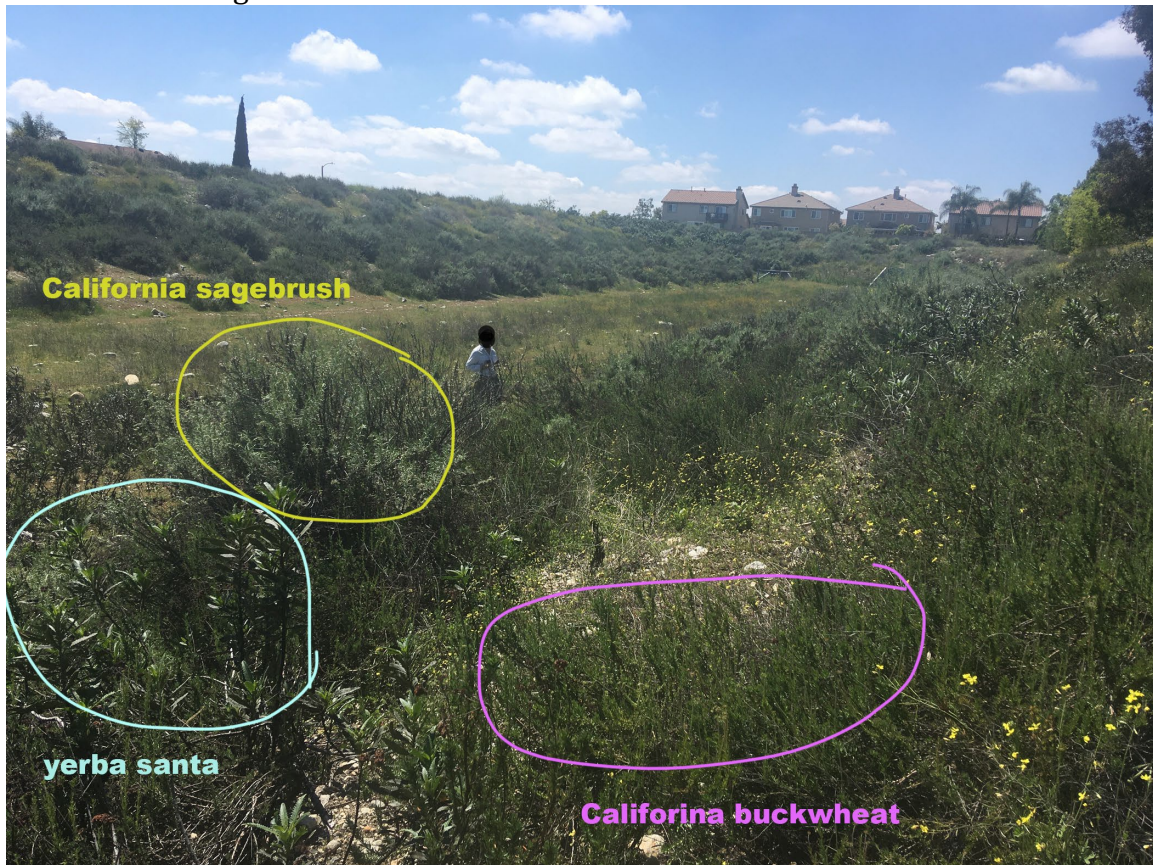
Cooper, D.S. 2012. Rare plants of Griffith Park, Los Angeles, California. *Fremontia* 38(4)/39(1):18-24.

----- 2008. The use of historical data in the restoration of the avifauna of the Ballona Wetlands, Los Angeles County, California. *Natural Areas Journal* 28:83-90.

March 9, 2020

This document contains some photos of portions of the west side of the basin before, during, and after the first bulldozing which occurred on May 14 and 15, 2020.

Before Bulldozing:



Photos of a portion of west side of the basin, looking west. Mature coastal sage scrub habitat intact on the south, north, and west slopes. Note the California sagebrush (*Artemisia californica*), Yerba Santa (*Eriodictyon californicum*), and California Buckwheat (*Eriogonum fasciculatum*) in the foreground. These plants, and others associated with coastal sage scrub habitat, such as deerweed and prickly pear are densely covering both slopes of the west side of the basin. Photo taken April 11, 2020.

Before Bulldozing:



Photo of west side of basin looking northeast. Note the California sagebrush (*Artemisia californica*), Deerweed (*Acmispon glaber*) and California Buckwheat (*Eriogonum fasciculatum*) in the foreground. These plants, and others associated with coastal sage scrub habitat are densely covering both north and south slopes of the west side of the basin. Photo taken April 11, 2020.

During Bulldozing:



West side of basin looking north east. South slope of basin pictured during bulldozing. Photo taken May 14, 2020.

After Bulldozing:



West side of basin looking southwest. South slope of basin pictured after bulldozing. Note mature coastal sage scrub habitat destroyed. Note wetland station #6 by drain in upper center of image. Photo taken May 15, 2020.

March 9, 2022

This document contains photos of some of the wetlands in the basin as they appeared on April 9, 2020.

I have included a screen shot of an aerial photo of the basin from the 2006 staff report on the status of the mitigated wetlands from the 1999 Streambed Alteration Agreement between the City and CDFW. This aerial photo shows numbers which correspond to drains located at specific wetlands (I have annotated this screen shot to clarify the numbers.) In the 2006 report, these numbers were used to designate 'photo stations' corresponding to each respective wetland. (Please see the 2006 staff report which is among the attachments I have sent.) In the April 2020 photos below, I have used the same numbering system to identify the respective wetlands.

I am also including a screen shot of a section of an aerial photo showing the project location, that has been provided in the NOP. Comparing the photo with the labeled wetlands from the 2006 report with the project location photo from the NOP, one can clearly see that wetlands 4, 5 and 6 fall within the footprint of the housing development, and would thus, be destroyed by the project.

Below is a portion of a 2003 aerial photo of the reconfigured basin. The numbers denote locations of down drains where water flows into the basin for percolation (also used as designated photo stations)



Screen shot of aerial photo showing numbered wetland stations.



Screen shot of aerial photo of the project location (from NOP).



Wetland corresponding to photo station #3 (drain seen at upper left). Photo taken April 9, 2020.



Wetland corresponding to photo station #4. Water dependent plant species (hydrophytes) identified: watercress, cattails, seep monkey flower. Photo taken April 9, 2020.



Wetland corresponding to photo station #5. Drain of photo station #6 visible to the upper left. Intact sage scrub habitat visible on slopes. Photo taken April 9, 2020.

SENT VIA E-MAIL:

March 8, 2022

jwinter@uplandca.gov

Joshua Winter, Associate Planner
City of Upland, Development Services Department
460 North Euclid Avenue
Upland, California 91786

**Notice of Preparation of a Draft Environmental Impact Report for the
Villa Serena Specific Plan (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA operational thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁶, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy⁷.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS
SBC220217-04
Control Number

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

⁷ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.



NATIVE AMERICAN HERITAGE COMMISSION

February 8, 2022

Governor's Office of Planning & Research

Feb 11 2022

Joshua Winter, Associate Planner
City of Upland
460 N. Euclid Avenue
Upland, CA 91786

STATE CLEARINGHOUSE

Re: 2022020150, Villa Serena Specific Plan Project, San Bernardino County

Dear Mr. Winter:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
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West Sacramento,
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nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

BILL RODSTROM

Comments focus on threatened species, flood control capacity, nature deficit disorder, and wetlands, and provides mitigation suggestions.

- **Threatened Species**
 - **California Gnatcatchers:** There was a small but suitable coastal sage scrub habitat that favored California Gnatcatchers. This bulldozed habitat must be allowed to grow back to see if gnatcatchers will return.
 - **Least Bell's Vireos:** Wetland habitats were destroyed. Least Bell's Vireos may have been using this area.
 - **Burrowing Owls:** On-site habitat must be allowed to return to see if Burrowing Owls will use the site for nesting purposes.
- **Flood Control Capacity**
 - The flood control basin, as designed, sufficiently stores stormwater runoff from heavy rainfall events in the area (up to 3-4 feet). A more severe or prolonged storm, or a much smaller basin would presumably fill the basin even higher.
- **Nature Deficit Disorder**
 - The flood control basin is the only wildland within a half a mile of radius. It has been found to be rich in wild species of native plants, birds, reptiles, and many insects like native butterflies, bees, and dragonflies.
 - It provides an opportunity to explore nature and learn about biodiversity, a quality that is not provided by nearby parks due to being full of non-native trees and lawns.
- **Wetlands**
 - Geotechnical report stated there was no surface water on site, but there have been three small wetland ponds from year-round runoff with wetland species like Willows (*Salix*), cattails (*Typha*), watercress (*Nasturtium*), etc., and associated breeding dragonflies, mallards and other wetland-dependent species.
 - Mr. Rodstrom observed a four-foot-wide stream of water pouring through roughly 8 ft. diameter culverts on the west end of the proposed development. Questions the source of water and where it will be diverted to.
- **Mitigation**
 - Since this project will remove over nine acres of Sage Scrub native habitat, he recommends that all tree, shrub, and perennial plant landscaping be composed of California native plants to accommodate for native species.
 - Best use for the 15th Street Flood Control Basin is to allow it to grow back as an important bit of southern coastal sage scrub rather than to develop

CALIFORNIA FISH AND WILDLIFE

Comments focus on issues of concern regarding the CDFW.

- **Scope of Authority**

- Project may be subject to CDFW's lake and streambed alteration regulatory authority
- Project may result in takings as defined by State law under the California Endangered Species Act (CESA), thus applicant may seek take authorization

- **Assessment of Biological Resources**

- For adequate review and comment on the project by CDFW, the DEIR should include a complete assessment of flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and associated habitat.
 - Assessment of various habitat types located within the footprint, and a map that identifies the location of each habitat type; recommends *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should be included in the assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
 - General bio inventory of fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. The *California Natural Diversity Database* (CNDDDB) should be contacted to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project. Notes that the CNDDDB is not exhaustive and should be used as a starting point.
 - A complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including CSSC and State Fully Protected Species, including those that meet the CEQA definition (15380). Should address seasonal variations in use and should not be limited to resident species. Focused species-specific surveys, with all proper credentials and protocol, are required. Acceptable procedures should be developed with consultation with CDFW and USFWS, when necessary. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.
 - Potential taking of Burrowing owl is anticipated, recommends the City to follow contents provided in *Staff Report on Burrowing Owl*

Mitigation (DFG, March 2012), which specifies three steps for project impact evaluations.

- Thorough, recent floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*
- Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region
- Full accounting of all open space and mitigation/conservation lands within and adjacent to the Project
- **Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources**
 - Suggestions on included information in the DEIR
- **Alternatives Analysis**
 - Recommendation of reasonable and feasible alternatives, including No Project
- **Mitigation Measures**
 - Suggestions on things to consider when proposing mitigation measures
 - Fully protected species
 - Sensitive Plant Communities
 - CSSC
 - Mitigation scope and scenarios
 - Habitat Revegetation and Restoration Plans
 - Nesting Birds and Migratory Bird Treaty Act
 - Moving out of Harm's Way
 - Translocation of species
- **California Endangered Species Act (CESA)**
 - Least Bell's vireo
- **Lake and Streambed Alteration Program**
 - LSA is applicable to the Project; full impact disclosure to the resources affected, and provide adequate avoidance, mitigation, monitoring, and reporting.
- **Additional comments and recommendations**
 - Recommends incorporation of water-wise concepts in project landscape design plans
 - CA Save our Water website

- **Environmental Data**
 - Information in EIR reports to be incorporated into the CNDDDB database for subsequent or supplemental environmental determinations
- **Filing Fees**

JO BEANZ

Mr Beanz's comments focus on aesthetics, increase in noise levels, reduced groundwater recharge, impacts to biological resources and endangerment of the wildlife, flora and fauna in the area.

- **Biological and Groundwater**
 - Weed abatement activity destroyed the flora, fauna, and wildlife on site by destroying the habitats and applying herbicides. Basin needs a chance to grow back to accommodate for the wildlife.
 - Water was present on site and included duck habitat before the weed abatement activity. Water was gone and a duck was found dead afterwards.
- **Aesthetics:**
 - The Villa Serena project will block the current residents' beautiful views of the flood basin and the mountains. Decrease home values in the area.

GABRIELLENO BAND OF MISSION INDIANS - KIZH NATION

- In agreement with the Specific Plan Amendment. Would like to be notified before ground disturbance for any work in the vicinity.

LETICIA ANDERSON

- Miss Anderson is concerned about the Project's impact on wildlife, municipal departments, and traffic which will all create undesirable living conditions and affect property values.

LOIS SICKING

- Mr. Sicking is concerned about the project impacts to air quality, greenhouse gas emissions, aesthetics/visual, biological resources/wetlands/riparian, flood control detention basin capacity and flood control, water supply, groundwater, noise, transportation, drainage/absorption and toxic/hazardous wastes from the adjacent landfill and stormwater pollution runoff.
- Previous "weed abatement" activity utilized heavy equipment such as bulldozers and herbicides which removed all vegetation on site. Discourages the use of heavy equipment in the basin.

NATASHA WALTON

- **Biological Resources**

- The Project must take into consideration the state of and species occupying the west side of the basin prior to bulldozing. further bulldozing activities must be prohibited on any portion of the basin.
- National Wetlands Inventory (NWI) indicates the presence of wetlands in this basin so project development will result in the loss of wetlands in the basin.
- Recommends that surveys must be conducted using agency-approved protocols for special-status species, such as the coastal California gnatcatcher, least Bell's vireo, and burrowing owl
- Surveys must be conducted throughout the year during different times of the day to evaluate the presence of the whole variety of species using the basin, such as frogs and bats.

QUECHAN INDIAN TRIBE

- No comments

SAN MANUEL BAND OF MISSION INDIANS – RYAN NORDNESS

- Requires consultation in the event of any and all archaeological findings.

SAN BERNARDINO COUNTY DEPARTMENT OF PUBLIC WORKS

- Storm drains in and around the site may be impacted by the project development. Review and approval by the City is required for any alterations to existing storm drain patterns.
- Project Site lies within Zone X (outside the 500 yr. floodplain) of the FEMA Flood Insurance Rate Map. Impacts associated with the Project's occurrence in this zone must be addressed.
- The District owns the existing West Cucamonga By-Pass Channel within the scope of the Project. On-site or Off-site improvements to this area, as part of the Project, would require review and approval from the District.
- Project must identify and protect the alignment of future flood control facilities.

SCAG

- Connect SoCal goals may be pertinent to the proposed Project. A side-by-side comparison of SCAG's Connect SoCal goals with the proposed Project's goals representing consistency or non-consistency is recommended.
- Proposed project appears to be in or near a Freshwater Pond and/or Freshwater Emergent Wetland according to the U.S. Fish and Wildlife Service National Wetlands Inventory. Connect SoCal recommends reviewing the 2020 Connect SoCal Natural and Farm & Farm Lands Conservation Technical Report for strategies to protect and enhance biodiversity, habitat, wildlife areas and agricultural areas in the SCAG region.
- For information on growth forecasts for the regional and applicable jurisdictions for years 2016 to 2045, refer to the Connect SoCal Demographics and Growth Forecast Technical Report.
- SCAG staff recommends a review of the Final Program Environmental Impact Report for Connect SoCal for guidance, as appropriate. It includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and

implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible.

SHARI WASSON

Mr. Wasson's comments encourage that EIR adequately address modifications to the basin by including detailed plans covering depths, slopes, berm height changes, capacity, flood risks, access roads, planned habitat restoration, etc. for the proposed Project.

- **Biological Resources**
 - Bulldozing activity on the west side of the basin destroyed or severely damaged the native coastal sage scrub habitat and nearly all plants, including small trees and strands of prickly pear cactus.
 - Species that are regenerating after the bulldozing should be assessed, along with the small areas of habitat that remain intact on the west side of the basin.
 - East side of the basin shares some common plant and animal species as the west side which should be assessed to help inform the assessment of the west side.
 - Further bulldozing of all parts of the basin should be prohibited to prevent further damage to biological resources
 - Modifications to the east side would result in damage and destruction of coastal sage scrub habitat and wetland areas on the east side of the basin.
 - **Wetland/riparian project issue:** Plant species supported by these wetlands include cattails (*Typha* sp.), sandbar willow (*Salix exigua*), watercress (*Nasturtium officinale*), water smartweed (*Persicaria hydropiperoides*), and seep monkey flower (*Erythranthe guttata*, formerly classified as *Mimulus guttata*) that would be impacted from this project.
 - **Wetland/riparian project issue:** Wetlands on the west side of the basin which would be destroyed from the proposed development. EIR needs to address mitigation for these wetlands.
 - **Wetland/riparian project issue:** There is a presence of a list of bird species that was observed by the Biologist at the time of his visit. Some of these birds include the coastal California gnatcatcher (*threatened*), least Bell's vireo (*endangered*), and burrowing owl (*species of special concern*). Protocol surveys for these species must be conducted.
 - **Wetland/riparian project issue:** Presence of the Baja California tree frog, lizards, cottontail rabbits, ground squirrels, and coyotes in the basin. Biological assessment of these species must be conducted.
 - A fair and comprehensive biological assessment must be conducted for wetlands and wild species and should involve multiple site visits at different times of year and times of day to gain a better understanding of the biological resources on site.

SCAQMD

- Recommends the use of SCAQMD's CEQA Air Quality Handbook, website and CalEEMod land use emissions software when preparing the greenhouse gas and air quality analyses.
- The Lead Agency must quantify criteria pollutant emissions and compare them to

SCAQMD's CEQA regional pollutant emissions significance thresholds and Localized Significance Thresholds (LSTs) to determine project's air quality impacts.

- Construction and operation related air quality impacts must be addressed in the analysis. Emissions from both phases must be combined and compared to the SCAQMD's regional air quality CEQA operational thresholds to determine the level of significance.
- If the proposed Project generates diesel emissions, then Lead Agency must perform a mobile source health risk assessment.
- If a permit is required from the SCAQMD, the SCAQMD should be identified as the Responsible Agency for this project.

