

B.0 LAWS AND REGULATIONS

This appendix provides more detailed information on the specific laws and regulations that pertain to the DEIS/SEIR.

B.1 KEY LAWS AND REGULATIONS PERTAINING TO THIS DEIS/SEIR

Multiple Use Mining Act of 1955

The Multiple Use Mining Act of 1955 directs that any mining claim located after July 23, 1955, shall not be used, prior to issuance of patent, for any purposes other than prospecting, mining or processing operations and uses reasonable incident thereto, and that such claims shall be subject to the right of the United States to manage and dispose of vegetative surface resources and to manage other surface resources, and the right of the United States, its permittees, and licensees, to use so much of the surface as may be necessary for such purposes or for access to adjacent land. The Wash Plan balances the consolidation of the lands available to be mined with areas of water conservation, and habitat conservation. Therefore, the Wash Plan is consistent with this Act.

Mining and Mineral Policy Act of 1970

The Mining and Mineral Policy Act of 1970 directs the Federal government to foster and encourage private enterprise in the development of economically sound and stable industries, and in the orderly and economic development of domestic resources to help assure satisfaction of industrial, security, and environmental needs. The private mining companies provide economic development in the region, while accommodating habitat conservation funding and other covered activities embodied in the Wash Plan.

Surface Mining and Reclamation Act (SMARA) of 1975

Under the SMARA, the State Mining and Geology Board is required to classify land into mineral resource zones (MRZs) and designate for future use those areas that contain aggregate deposits that are of prime importance in meeting the region's future needs for construction quality aggregates. To obtain the authority to mine in a specific area, the SMARA requires that three main conditions are met by a surface mining entity prior to the initiation of mining. The three conditions include: 1) obtaining a permit; 2) obtaining an approved reclamation plan; and 3) obtaining approval of the financial assurances for reclamation from the Lead Agency for the area to be mined. The primary objective of the SMARA is for each jurisdiction to develop policies that will conserve important mineral resources, where feasible, that might otherwise be unavailable when needed. Reclamation Plans have been prepared by Robertson's and Cemex for existing and expansion of mining activities. Both plans were updated in January 2008. The expanded mining activities would be in compliance with reclamation standards recommended by the SMARA regulations (Public Resources Code § 2710 et seq.), which is designed to address the need for a continuing supply of mineral resources and to prevent or minimize the negative impacts of surface mining to public health, property and the environment.

Federal Endangered Species Act (FESA) of 1973

Through Federal action and by encouraging the establishment of State programs, the 1973 FESA provided for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. The FESA authorizes the determination and listing of species as endangered and threatened; prohibits unauthorized taking, possession, sale, and transport of endangered species; provides authority to acquire land for the conservation of listed species, using land and water conservation funds; authorizes establishment of cooperative agreements and grants-in-aid to states that establish and maintain active and adequate programs for endangered and threatened wildlife and plants; authorizes the assessment of civil and criminal penalties for violating the FESA or regulations; and authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the FESA or any regulation issued there under.

Section 7 of the FESA requires Federal agencies to ensure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or cause adverse modification their critical habitat. The HCP component of the Wash Plan has been developed in collaboration with USFWS in furthering compliance with the FESA. Any refinements necessary would be resolved between the lead agencies. Upon completion of the Section 7 process, the Wash Plan HCP would be in full compliance with the FESA.

California Endangered Species Act (CESA)

The CESA (Fish & Game Code §§2050, et seq.) generally parallels the main provisions of the Federal Endangered Species Act and is administered by the California Department of Fish and Wildlife (CDFW). Under CESA the term "endangered species" is defined as a species of plant, fish, or wildlife which is "in serious danger of becoming extinct throughout all, or a significant portion of its range" and is limited to species or subspecies native to California. CESA establishes a petitioning process for the listing of threatened or endangered species. The California Fish and Wildlife Commission is required to adopt regulations for this process and establish criteria for determining whether a species is endangered or threatened. The California Code of Regulations, Title 14 §670.1(a) sets forth the required contents for such a petition. CESA prohibits the "taking" of listed species except as otherwise provided in State law. Unlike its Federal counterpart, CESA applies the take prohibitions to species petitioned for listing (state candidates). The Conservation District has coordinated the Wash Plan HCP with the CDFW and would request a CESA review and issuance of a Section 2081 permit from the CDFW. Any necessary refinements would be resolved with the lead agencies to allow compliance with the ESA.

Federal Water Pollution Control Act (Clean Water Act)

The Clean Water Act of 1972 (CWA) established the basic structure for regulating discharges of pollutants into the waters of the U.S. and regulating quality standards for surface waters. Under the CWA, the U.S. Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industries and surface waters. The CWA gives states the primary responsibility of protecting and restoring surface water and enhancing the quality of waters released into waters of the United States. The covered activities in the Wash Plan would be analyzed to

determine whether they require CWA permits. Individual entities would be responsible for obtaining any necessary CWA permits and would therefore, be in compliance with the Act.

California Fish and Game Code

CDFW regulates all activities that alter streams and lakes and their associated habitat. The CDFW, through provisions of the California Fish and Game Code Sections §§1601-1603 is empowered to issue agreements of any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Rivers and streams are defined by the presence of a channel bed and banks. CDFW typically extends the limits of their jurisdiction laterally beyond the channel banks for streams that support riparian vegetation. Any Proposed Projects (Covered Activities) that will affect a streambed will require a Lake or Streamed Alteration Agreement from CDFW.

California Water Code

The California Water Code is the principal State law regulating water quality in California. Division 7 of the California Water Code, also known as the Porter-Cologne Act, establishes a program to protect water quality and beneficial uses of State water resources and includes both ground and surface waters. The State Water Resources Control Board and the Regional Boards establish waste discharge requirements, water quality control and monitoring, enforcement of discharge permits, and ground and surface water quality objectives. Any Proposed Projects (Covered Activities) that will affect State groundwater or surface water resources will require Waste Discharge Requirements to be issued by the Santa Ana Regional Water Quality Control Board.

Clean Air Act (CAA) of 1970

The CAA was established by the EPA to provide standards and regulations to control air pollution that is known to be hazardous to human health. Under the CAA, the law authorized the EPA to establish National Ambient Air Quality Standards (NAAQS) for every state that further protect human health by regulating the emissions of hazardous air pollutants. Impacts to NAAQS would be less than significant as no federal thresholds or violations would occur and would therefore be in compliance with the Act. However, anticipated emissions from Proposed Actions/Projects are expected to exceed State standards (thresholds set by the South Coast Air Quality Management District) for NO_x (nitrogen oxides), and coarse and fine Particulate Matter (PM₁₀ and PM_{2.5}; smaller than 10 and 2.5 microns, respectively) during operations would be significant and unavoidable, requiring a Statement of Overriding Considerations.

Noise Control Act of 1972

Under the Noise Control Act, the EPA was authorized to set standards and regulations to control noise that present a potential hazard to human health and welfare. The Act also authorized the EPA to coordinate programs that would promote noise research and noise control to establish sound level that are safe for the public. Although the noise control program funding ended in 1981, it developed a “margin of safety” levels that separated noise into hearing loss levels and annoyance levels. Noise thresholds are not exceeded, resulting in a less than significant impact for the Wash Plan. Thus, the Wash Plan is in compliance and consistent with this Act.

B.2 AIR QUALITY REGULATIONS

B.2.1 FEDERAL

Air Quality Standards

Pursuant to the Federal Clean Air Act (CAA) of 1970, the EPA established national ambient air quality standards (NAAQS). The NAAQS were established for six major pollutants, termed criteria pollutants. The criteria pollutants are carbon monoxide (CO), oxides of nitrogen (NO_x), ozone (O₃), atmospheric particulate matter (PM), sulfur dioxide (SO₂), and lead (Pb). Criteria pollutants are defined as those pollutants for which Federal and State governments have established ambient air quality standards, or criteria, for outdoor concentrations that safeguard public health. These standards identify concentrations for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare; refer to Table 3.1-1 in Section 3.1.

B.2.2 STATE

The California Air Resources Board (CARB) administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in Table 3.1-1 in Section 3.1, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for preparation of the State Implementation Plan (SIP) for the State of California.

Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data show that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard, and are not used as a basis for designating areas as nonattainment.

California Executive Order S-20-04

Executive Order S-20-04, the California Green Building Initiative (signed into law on December 14, 2004), establishes a goal of reducing energy use in State-owned buildings by 20 percent from a 2003 baseline by 2015. It also encourages the private commercial sector to set the same goal. The initiative places the California Energy Commission (CEC) in charge of developing a building efficiency benchmarking system, commissioning and retro-commissioning (commissioning for existing commercial buildings) guidelines, and developing and refining building energy efficiency standards under Title 24 to meet this goal.

California Executive Order S-3-05

Executive Order S-3-05 set forth a series of target dates by which statewide emissions of greenhouse gas (GHG) would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The draft California Greenhouse Gas inventory (November 2007) equates these reductions to 11 percent by 2010 and 25 percent by 2020.

The Executive Order directed the secretary of the California Environmental Protection Agency (Cal/EPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The secretary will also submit biannual reports to the governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with the executive order, the secretary of Cal/EPA created the California Climate Action Team (CAT), made up of members from various State agencies and commissions. The team released its first report in March 2006. The report proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

In response to these initiatives, an informal partnership, led by the San Bernardino Associated Governments (SANBAG) prepared the San Bernardino County Regional Greenhouse Gas Reduction Plan (Reduction Plan 2014)¹. The Reduction Plan compiled an inventory of GHG emissions and an evaluation of reduction measures that could be adopted by the 21 partnership cities of San Bernardino County, including the cities of Highland and Redlands. The Reduction Plan is a tool for inventorying municipal GHG emissions and summarizes the actions that each city has selected to reduce GHG emissions, State of California mandated actions, GHG emissions avoided in 2020 associated with each local and state action, and each city's predicted progress towards their selected GHG reduction goal. (Reduction Plan 2014)

The City of Highland selected a goal to reduce its community GHG emissions to a level that is 22% below its projected emissions in 2020. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective per AB 32 through a combination of state and local efforts. The majority of emissions reductions are due to state/county measures. Of the state/county measures, the majority of reductions are in the building energy and on-road transportation sectors. Of the local measures, the majority of reductions are in the building energy sector. (Reduction Plan 2014) The City of Highland has not prepared or adopted their own Climate Action Plan. Most emissions reductions for the City of Highland are from state/county measures and locally from the building energy sector the Proposed Action/Projects, and more specifically expanded aggregate mining, and would not

¹ <http://www.gosbcta.com/plans-projects/plans/greenhouse-gas/SBC-RegionalGreenHouseGasReduction-Final.pdf>

have an impact on the City's ability to implement the State, County, and local measures and thus the ability to meet these reduction targets.

The City of Redlands selected a goal to reduce its community GHG emissions to a level that is 15% below its 2008 GHG emissions level by 2020. Redlands' Plan has the greatest impacts on GHG emissions in the building energy, on-road transportation, and water conveyance sectors. (Reduction Plan 2014)

The City of Redlands prepared a Climate Action Plan², the City's first CAP, designated to reinforce the City's commitment to reducing GHG emissions, and demonstrate how the City will comply with the State of California's GHG emission reduction standards. The CAP was prepared concurrently with the updated Redlands General Plan, reflecting the City's most current land use and transportation strategy, and GHG implications of various General Plan goals and policies. The CAP describes the General Plan policies that reduce GHG emissions, quantifies emission reductions, and explains how these policies and actions will be implemented. These General Plan policies fall under the following categories:

- Bikeway System Improvements;
- Pedestrian Improvements and Increased Connectivity;
- Traffic calming;
- Parking Facilities and Policies; and
- Transportation Improvements.

Because the majority of emissions reductions for the City of Redlands are in the building energy, on-road transportation, and water conveyance sectors the Proposed Action/Projects, and more specifically expanded aggregate mining, would not have an impact on the City's ability to implement the State, County, and local measures and thus their ability to meet these reduction targets. The Proposed Action/Projects, and more specifically expanded aggregate mining, would not adversely affect the City's ability to implement the General Plan policies related to bikeway, pedestrian, and transportation improvements, traffic calming, or parking facilities and policies.

The focus of the San Bernardino County Regional Greenhouse Gas Reduction Plan and the Redlands Climate Action Plan outline strategies, goals and policies that would promote energy efficiency, waste reduction, resource conservation, and recycling, and reduction in vehicle miles traveled (VMTs), which in turn result in GHG reductions.

California Executive Order S-1-07

Executive Order S-1-07 proclaims that the transportation sector is the main source of GHG emissions in California, generating more than 40 percent of statewide emissions. It establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least ten percent by 2020. This order also

²<http://nebula.wsimg.com/1fefe0474c549760214c406c749087c6?AccessKeyId=F13B1E58B4DDA6D156DE&disposition=0&alloworigin=1>

directs CARB to determine whether this Low Carbon Fuel Standard (LCFS) could be adopted as a discrete early-action measure as part of the effort to meet the mandates in AB 32.

California Executive Order S-13-08

Executive Order S-13-08 seeks to enhance the State's management of climate impacts including sea level rise, increased temperatures, shifting precipitation, and extreme weather events by facilitating the development of State's first climate adaptation strategy. This will result in consistent guidance from experts on how to address climate change impacts in the State of California.

California Executive Order S-14-08

Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the "Renewable Electricity Standard" on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

California Executive Order S-21-09

Executive Order S-21-09, 33 percent Renewable Energy for California, directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002) which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006) which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

California Executive Order B-16-12

Executive Order B-16-12 orders State agencies to facilitate the rapid commercialization of zero-emission vehicles (ZEVs). The Executive Order sets a target for the number of 1.5 million ZEVs in California by 2025. Also, the Executive Order sets as a target for 2050 a reduction of GHG emissions from the transportation sector equaling 80 percent less than 1990 levels.

California Executive Order B-18-12

Executive Order B-18-12 calls for significant reductions in state agencies' energy purchases and GHG emissions. The Executive Order included a Green Building Action Plan, which provided additional details and specific requirements for the implementation of the Executive Order.

California Executive Order B-30-15

Executive Order B-30-15 sets a greenhouse gas emissions target for 2030 at 40 percent below 1990 levels.

California Executive Order B-32-15

Executive Order B-32-15 directs State agencies to develop an integrated freight action plan by July 2016. Among other things, the plan calls for targets for transportation efficiency and a transition to near-zero-emission technologies.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

California passed the California Global Warming Solutions Act of 2006 (AB 32; *California Health and Safety Code* Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve “the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State.”

To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California’s existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. When fully phased in, the near-term standards will result in a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards will result in a reduction of about 30 percent.

Assembly Bill 3018

AB 3018 established the Green Collar Jobs Council (GCJC) under the California Workforce Investment Board (CWIB). The GCJC will develop a comprehensive approach to address California’s emerging workforce needs associated with the emerging green economy. This bill will ignite the development of job training programs in the clean and green technology sectors.

Assembly Bill 617

AB 617, signed in July 2017, requires the state board to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for use by certain categories of stationary sources. The bill requires the state board, by October 1, 2018, to prepare a monitoring plan regarding technologies for monitoring criteria air pollutants and toxic air contaminants and the need for and benefits of additional community air monitoring systems. To meet the requirements of AB 617, the CARB established the Community Air Protection Program (CAPP) to reduce exposure in communities most impacted by air pollution. CARB will select locations to adopt community emissions reduction programs.

Senate Bill 97

SB 97, signed in August 2007 (Chapter 185, Statutes of 2007; PRC Sections 21083.05 and 21097), acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. This bill directs the Governor's Office of Planning and Research (OPR), which is part of the State Natural Resources Agency, to prepare, develop, and transmit to CARB guidelines for the feasible mitigation of GHG emissions (or the effects of GHG emissions), as required by CEQA.

OPR published a technical advisory recommending that CEQA lead agencies make a good-faith effort to estimate the quantity of GHG emissions that would be generated by a proposed project. Specifically, based on available information, CEQA lead agencies should estimate the emissions associated with project-related vehicular traffic, energy consumption, water usage, and construction activities to determine whether project-level or cumulative impacts could occur, and should mitigate the impacts where feasible. OPR requested CARB technical staff to recommend a method for setting CEQA thresholds of significance as described in CEQA Guidelines Section 15064.7 that will encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the State.

The Natural Resources Agency adopted the CEQA Guidelines Amendments prepared by OPR, as directed by SB 97. On February 16, 2010, the Office of Administration Law approved the CEQA Guidelines Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The CEQA Guidelines Amendments became effective on March 18, 2010.

Senate Bill 375

SB 375, signed in September 2008 (Chapter 728, Statutes of 2008), aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or alternative planning strategy (APS) that will prescribe land use allocation in that MPOs regional transportation plan. CARB, in consultation with MPOs, will provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets will be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. CARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned targets. If MPOs do not meet the GHG reduction targets, transportation projects may not be eligible for funding programmed after January 1, 2012.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill 1368

SB 1368 (Chapter 598, Statutes of 2006) is the companion bill of AB 32 and was signed into law in September 2006. SB 1368 required the California Public Utilities Commission (CPUC) to establish a

performance standard for baseload generation of GHG emissions by investor-owned utilities by February 1, 2007. SB 1368 also required the CEC to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards could not exceed the GHG emissions rate from a baseload combined-cycle, natural gas fired plant. Furthermore, the legislation states that all electricity provided to California, including imported electricity, must be generated by plants that meet the standards set by CPUC and CEC.

CARB Scoping Plan

Pursuant to AB 32, CARB prepared and adopted the initial Scoping Plan to “identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives” in order to achieve the 2020 goal, and to achieve “the maximum technologically feasible and cost-effective GHG emissions reductions” by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.³

On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve GHG reductions in California. CARB’s Scoping Plan contains the main strategies California will implement to reduce CO₂eq⁴ emissions by 174 million MT, or approximately 30 percent, from the State’s projected 2020 emissions level of 596 million MT CO₂eq under a business as usual (BAU)⁵ scenario. This is a reduction of 42 million MT CO₂eq, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

CARB’s Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. At the time CARB’s Scoping Plan process was initiated, 2004 was the most recent year for which actual data was available. The measures described in CARB’s Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32. On February 10, 2014, CARB released the draft proposed first update. The appendices to the report, including the environmental analysis will be released at a later date. On May 22, 2014, CARB approved the First Update to the AB 32 Scoping Plan. The update identifies opportunities to leverage existing and new funds to further drive GHG emissions reductions through strategic planning and targeted low carbon investments. The update also defined CARB’s

³ CARB’s Draft The 2017 Climate Change Scoping Plan, October 27, 2017.

(<https://www.arb.ca.gov/cc/scopingplan/revise2017spu.pdf>)

⁴ Carbon Dioxide Equivalent (CO₂eq) - A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

⁵ “Business as Usual” refers to emissions that would be expected to occur in the absence of GHG reductions. See <http://www.arb.ca.gov/cc/inventory/data/forecast.htm>. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the “definition.” It is broad enough to allow for design features to be counted as reductions.

climate change priorities for the next five years, and sets the groundwork to each long-term goals set forth in Executive Orders S-3-05 and B-15-2012. Lastly, the update highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the initial Scoping Plan, and evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities in water, waste, natural resources, clean energy, transportation, and land use.

In November 2017, CARB released the 2017 Climate Change Scoping Plan. The plan set the goal of reducing greenhouse gas an additional 40 percent below 1990 levels by 2030 under SB 32, requiring the state to double the rate at which it has been cutting GHG emissions. The plan seeks to move towards its target by addressing the major sources of GHG in the economy. It highlights more clean cars and trucks, increased renewable energy sources, slashing super-pollutants, cleaner industry and electricity through cap-and-trade program, the Low Carbon Fuel Standard, smart community planning, and improved agriculture and forests.

B.2.3 LOCAL

South Coast Air Quality Management District

The SCAQMD prepares the Air Quality Management Plan (AQMP) to address CAA and CCAA requirements by identifying policies and control measures. In March 2017, the SCAQMD adopted its 2016 AQMP, which is now the legally enforceable plan for meeting ozone and PM_{2.5} standards.

The Southern California Association of Governments (SCAG) is a council of governments for the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. As a regional planning agency, SCAG serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SCAG assists by preparing the transportation portion of the AQMP. This includes the preparation of a Sustainable Communities Strategy (SCS) that responds to planning requirements of SB 375 and demonstrates the region's ability to attain greenhouse gas reduction targets set forth in state law. The SCS identifies regional and local efforts to promote new housing and employment in high-quality transit areas that will support development patterns that complement the evolving transportation network. The SCS was incorporated into the 2016 Regional Transportation Plan, adopted by SCAG on April 7, 2016. The AQMP for the Basin establishes a program of rules and regulations directed at attainment of the state and national air quality standards. Ultimately, a project's operational cumulative impact is judged against its consistency with the applicable Air Quality Management Plan. Conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans.

In April 2008, the SCAQMD convened a "GHG CEQA Significance Threshold Working Group," in order to provide guidance to local lead agencies on determining the significance of GHG emissions identified in CEQA documents. The goal of the working group was to develop and reach consensus on an acceptable CEQA significance threshold for GHG emissions that would be utilized on an interim basis until CARB (or some other state agency) develops statewide guidance on assessing the significance of GHG emissions under CEQA. Initially, SCAQMD staff presented the working group with a significance threshold that

could be applied to various types of projects such as residential, non-residential, industrial, etc. but were never adopted. SCAQMD staff presented the SCAQMD Governing Board with significance threshold for development projects that are stationary source of air pollutants where SCAQMD is the lead agency. This threshold utilizes a tiered approach to determine a project's significance, with 10,000 MTCO₂ Eq. as numerical screening threshold for industrial project stationary sources of air pollution. However, it should be noted that when setting the 10,000 MTCO₂ Eq. threshold, the SCAQMD did not consider mobile sources (vehicular travel), rather the threshold is based mainly on stationary source generators such as boilers, refineries, power plants, etc. Mobile source emissions are not addressed in the SCAQMD's Recommendations for Significance Thresholds. The GHG emissions that would be emitted by the Proposed Actions/Projects are primarily from aggregate mining mobile sources and therefore the SCAQMD's Recommendations of Significance Threshold would not be applicable.

SCAQMD is the authorized state agency to determine the General Conformity of the present project with *de minimis* requirements of the Clean Air Act (Rule 1901).

Rule 220

SCAQMD Rule 220 gives the Executive Officer the power to exempt a source from prohibitions outlined in SCAQMD Regulations IV and XI, Prohibitions and Source Specific Standards respectively, if they can make the finding that the installation of controls and/or process changes required to achieve compliance with the subject prohibitory rule will result in a net adverse impact on air quality. One of the conditions of the permits on exemptions issued under Rule 220 is that alternative controls and/or process changes which will result in the greatest practical net emission reduction be included for project operation.

Rule 402

SCAQMD Rule 402 (Nuisance) prohibits the discharge of air contaminants in such quantities that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, but does not apply to odors emanating from agricultural operations necessary for growing of crops or the raising of fowl or animals.

Rule 403

The Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. The potential requirements include the application of water or chemical stabilizers to disturbed soils at least twice a day, covering all haul vehicles before transport of materials, restricting vehicle speeds on unpaved roads to 15 mph, and sweeping loose dirt from paved site access roadways used by construction vehicles. In addition, it is required to establish a vegetative ground cover on disturbance areas that are inactive within 30 days after active operations have ceased. Alternatively, an application of dust suppressants can be applied in sufficient quantity and frequency to maintain a stable surface. Rule 403 also requires grading and excavation activities to cease when winds exceed 25 mph.

Rule 481

SCAQMD Rule 481 applies to all spray painting and spray coating operations and equipment and requires all spray coating equipment to be (1) operated inside an approved control enclosure, (2) applied using high velocity-low pressure (HVLV), electrostatic and/or airless spray equipment, or (3) applied using which has an equal effectiveness to either of the two approved methods.

Rule 1108

SCAQMD Rule 1108 applies to cutback and emulsified asphalt used at project sites.

Rule 1113

SCAQMD Rule 1113 governs the sale of architectural coatings and limits the volatile organic content (VOC) content in paints and paint solvents. This rule will dictate the VOC content of paints available for use during the construction of the buildings.

Rule 1143

SCAQMD Rule 1143 aims to reduce emissions of VOCs from the use, storage, and disposal of consumer paint thinners and multi-purpose solvents commonly used in thinning of coating materials, cleaning of coating application equipment and other solvent cleaning operations by limiting their VOC content. Additionally, Rule 1143 requires several best management practices to reduce VOCs during use and application of paint thinners and other solvents. For example, this Rule requires containers to be closed when not in use. This Rule also establishes requirements for appropriate labelling and disclosure of contents for containers and storage areas of these corrosive, flammable substances.

Rule 1157

SCAQMD Rule 1157 aims to reduce PM₁₀ emissions from aggregate and related operations. It applies to all permanent and temporary aggregate and related operations. This rule will dictate the amount of fugitive dust emissions allowable and the use of dust control methods.

Rule 1186

SCAQMD Rule 1186 is intended to reduce the amount of particulate matter entrained in the ambient air as a result of vehicular traffic on paved and unpaved public roads, and at livestock operations. This includes requirements for local governments that contract for street sweeping services to utilize only certified street sweeping equipment.

Rule 1113

SCAQMD Rule 1113 governs the sale of architectural coatings and limits the volatile organic content (VOC) content in paints and paint solvents. This rule will dictate the VOC content of paints available for use during the construction of the buildings.

Rule 1303

SCAQMD Rule 1303 prohibits issuance of permits for any relocation or for any new or modified source which results in an emission increase of any nonattainment air contaminant, any ozone depleting

compound, or ammonia unless a best available control technology (BACT) is employed for the new or relocated source as specified by the Clean Air Act or other regulations.

City of Highland General Plan

Public Health and Safety Element

Goal 6.8 Reduce mobile and stationary source air pollutant emissions through cooperation and endorsement of the San Bernardino Regional Air Quality Plan and support of feasible techniques, incentives, and regulatory measures to achieve significant air quality improvements and any necessary air quality related lifestyle and economic changes while sustaining continued economic growth.

Policy 1 *Ensure consistency of Federal, State, and County legislation with Highland's Air Quality goal and policies.*

Policy 2 *Participate in formulating regional policies and solutions to air quality problems established by the San Bernardino County Regional Air Quality Plan.*

Policy 10 *Reduce vehicle emissions by supporting the design and implementation of the Citywide system of bikeways and pedestrian trails as a non-polluting circulation alternative by requiring as part of the development review process the installation of planned bicycle routes, paths, and lanes where designated; and the construction of necessary bicycle parking and storage areas within convenient commercial, employment and recreation activity areas.*

Policy 14 *Reduce particulate emissions from construction sites, grading activities, temporary roads and parking lots, and agricultural operations by enforcing requirements that minimize fugitive dust.*

Policy 16 *Reduce particulate and stationary emissions attributed to the removal, transportation and processing of mineral resources by enforcing required permits and physical barrier requirements that minimize the effects of dust from day-to-day operations of mineral extraction, transportation, and processing facilities.*

City of Redlands General Plan

Health and Safety Element

Guiding Policy 8.11 Air Quality and Jurisdictional Responsibility and Roles

8.11a Support the County in its efforts to coordinate air quality improvements in the portion of the South Coast Air Basin within the County and in its efforts to coordinate improvements in air quality through reductions in pollutants from Orange and Los Angeles Counties.

- 8.11e** Involve environmental groups, the business community, special interests and the general public in the formation and implementation of programs which effectively reduce airborne pollutants.

Guiding Policy 8.15 Air Quality and Particulates

- 8.15a** Aim for the minimum practicable particulate emissions from the construction and operation of roads and buildings.
- 8.15b** Reduce particulate emissions from roads, parking lots, construction sites, mining operations and agricultural lands.
- 8.15f** Adopt incentives, regulations and procedures to control particulate emissions from unpaved roads, drives, vehicle maneuvering areas, parking lots, and disturbed land that is not developed.

County of San Bernardino General Plan

Conservation Element

- Goal CO.4 The County will ensure good air quality for its residents, businesses, and visitors to reduce impacts on human health and the economy.

Policy CO 4.1 *Because developments can add to the wind hazard (due to increased dust, the removal of wind breaks, and other factors), the County will require either as mitigation measures in the appropriate environmental analysis required by the County for the development proposal or as conditions of approval if no environmental document is required, that developments in areas identified as susceptible to wind hazards to address site-specific analysis of:*

- a. Grading restrictions and/or controls on the basis of soil types, topography or season.
- b. Landscaping methods, plant varieties, and scheduling to maximize successful re-vegetation.
- c. Dust-control measures during grading, heavy truck travel, and other dust generating activities.

Policy CO 4.2 *Coordinate air quality improvement technologies with the South Coast Air Quality Management District (SCAQMD) and the Mojave Air Quality Management District (MAQMD) to improve air quality through reductions in pollutants from the region.*

B.3 GEOLOGY AND MINERAL RESOURCES REGULATIONS

B.3.1 FEDERAL

Federal Land Policy and Management Act of 1976, as Amended

The Federal Land Policy and Management Act (FLPMA) establishes policy and goals to be followed in the administration of public lands by the BLM. The intent of FLPMA is to protect and administer public lands within the framework of a program of multiple-use and sustained yield, and the maintenance of environmental quality. Particular emphasis is placed on the protection of the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and archaeological values. FLPMA is also charged with the protection of life and safety from natural hazards.

B.3.2 STATE

Alquist-Priolo Earthquake Fault Zoning Act

The major State legislation regarding earthquake fault zones is the Alquist-Priolo Earthquake Fault Zoning Act. In 1972, the State of California began delineating “Earthquake Fault Zones” (called Special Studies Zones prior to 1994) around and along faults that are “sufficiently active” and “well defined” to reduce fault-rupture risks to structures for human occupancy (California Public Resources Code §2621–2630). The boundary of an Earthquake Fault Zone is generally 500 feet from major active faults and from 200 to 300 feet from well-defined minor faults. The mapping of active faults is completed and continually updated by the State Geologist, and these maps are distributed to all affected cities, counties, and State agencies for their use in developing planning policies and controlling renovation or new construction.

The Seismic Hazards Mapping Act

Passed in 1990, the Seismic Hazards Mapping Act (SHMA) directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides and amplified ground shaking. The CGS is the principal State agency charged with implementing the 1990 SHMA. The goal is to minimize loss of life and property by identifying and mitigating seismic hazards. The seismic hazard zones delineated by the CGS are referred to as “zones of required investigation”. Site-specific geotechnical hazard investigations are required by SHMA when construction projects fall within these areas.

Natural Hazards Disclosure Act

Effective June 1, 1998, the Natural Hazards Disclosure Act requires that sellers of real property and their agents provide prospective buyers with a Natural Hazard Disclosure Statement when the property being sold lies within one or more State-mapped hazard areas. If a property is located in a Seismic Hazard Zone as shown on a map issued by the State Geologist, the seller or the seller’s agent must disclose this fact to potential buyers.

Surface Mining and Reclamation Act of 1975

Passed in 1975, the Surface Mining and Reclamation Act (SMARA) enacts extensive policies for surface mining and reclamation through the regulation of operations for surface mining. The act ensures mined lands are reclaimed to usable conditions and promotes minimization of adverse environmental impacts from surface mining. Additionally, the SMARA promotes for the State's mineral resources to be responsibly produced, conserved, and protected. Cemex and Robertson's are required to implement and follow their respective mine and reclamation plans for the Upper Santa Ana River Wash aggregate lands pursuant to SMARA regulations.

B.3.3 LOCAL**City of Highland General Plan**

The Public Health and Safety Element (March 2006) of the *City of Highland General Plan* contains goals and policies relevant to geology and soils.

Goal 6.1 Minimize the risk to public health and safety and disruption to social, economic, and environmental welfare resulting from seismic and geologic activities.

Many of the policies associated with Goal 6.1 and geologic issues are related to the development of structures. Several of the policies require adherence to proper construction design criteria or discuss requirements that would be addressed during the development review process. For example, Policy 9 listed under Goal 6.1 states:

Continue to enforce as part of the development review process site-specific analysis of soils and other conditions related to the onsite impact of maximum credible seismic and geologic events.

City of Highland Surface Mining and Land Reclamation Regulations

Section 16.36 of the City's Municipal Code is authorized by the SMARA and follows regulations put forth within the SMARA. Proposed Actions/Projects activities shall fully comply with applicable regulations within the SMARA.

City of Redlands' Surface Mining Reclamation Act Regulation

The City's Municipal Code Chapter 18.266 is authorized by the SMARA and follows regulations put forth within the SMARA. Proposed Actions/Projects shall fully comply with applicable regulations within the SMARA.

City of Redlands 1995 General Plan

The *City of Redlands 1995 General Plan* does not contain any policies relative to geology and soils that would apply to the Plan Area.

B.4 HYDROLOGY REGULATIONS

B.4.1 FEDERAL

Clean Water Act

The Clean Water Act is the principal Federal law that addresses water quality. The primary objectives of the Clean Water Act are to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,” and provide for the protection and propagation of fish and wildlife and provide for recreation in and on the water. The implementation plan for these objectives includes the regulation of pollutant discharges to surface water, financial assistance for public wastewater treatment systems, technology development, and non-point source pollution prevention programs. The Clean Water Act also establishes that states adopt water quality standards to protect public health or welfare and enhance the quality of water. The use and value of State waters for public water supplies, propagation of fish and wildlife, recreation, agriculture, industrial purposes, and navigation must also be considered by the states.

Section 402 of the Clean Water Act requires persons who discharge into waters of the United States to meet stringent standards under the National Pollutant Discharge Elimination System (NPDES). The NPDES program is administered by the EPA and by states with delegated programs, and applies to point source discharges, as well as to non-point sources such as surface runoff from a site during or following a storm. However, the NPDES program in Section 402 applies only to discharges into waters of the United States. Surface water quality is the responsibility of the State Water Resources Control Board (SWRCB) through its nine Regional Water Quality Control Boards (RWQCBs), water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. Pursuant to requirements of the SWRCB, NPDES General Permit No. CAS000002 applies to statewide construction activities including clearing, grading, or excavation that result in the disturbance of at least one acre of total land area, or activity which is part of a larger common plan of development of one acre or greater. In most cases, the NPDES permit program is administered by authorized states. In California, these programs are administered by the SWRCB and by nine RWQCBs that issue NPDES permits and enforce regulations within their respective regions. A requirement of the State General Construction Activity NPDES permit is the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify and implement Best Management Practices (BMPs) to reduce impacts to surface water from contaminated storm water discharges during the construction activities. Required elements of a SWPPP include the following:

- Site description addressing the elements and characteristics specific to the site;
- Descriptions of BMPs for erosion and sediment controls;
- BMPs for waste handling and disposal;
- Implementation of approved local plans;

- Proposed post-construction control requirements; and
- Non-storm water management.

The NPDES Industrial Permit application outlines several requirements for the applicant to include information to be reviewed and accepted by the respective RWQCB Director. Required information for dischargers applying for NPDES Industrial Permits include:

- **Outfall location** – longitude and latitude to nearest 15 second and receiving water's name;
- **Line drawing** – showing flow rate and associated water balance from the effluent facility, to type of treatment system, to separate storm drain system (if applicable), and then flow rate to receiving waters;
- **Average flows and treatment** – description of process types, operation, or production area in which wastewater is contributed to the effluent treatment units;
- **Intermittent flows** – if discharges are intermittent, then frequency, duration and flow rate of each occurrence of discharge shall be described;
- **Maximum production** – if applicable, exhibit a reasonable measure of the actual production in units used in the applicable guideline;
- **Improvements** – identify applicable existing requirements or compliance schedules of abatement requirement along with a description of such; and
- **Effluent characteristics** – descriptions on specified pollutants to be discharged and analysis of samples for pollutants with approved analytical methods.

The Santa Ana RWQCB issued an area-wide Municipal Separate Storm Sewer Systems (MS4) permit (Order No. R8-2010-0036) to the San Bernardino County Flood Control District and 16 incorporated cities within San Bernardino County. San Bernardino and Riverside counties are within the upper Santa Ana watershed, separated from the lower Santa Ana watershed (Orange County) by Prado Dam, and have developed storm water programs and tools that account for county-specific factors such as storm water infrastructure, topography and geography.

Additionally, Section 303 of the Clean Water Act requires that the State adopt water quality standards for surface waters. Section 303(d) specifically requires the State to develop a list of impaired water bodies and subsequent numeric total maximum daily loads (TMDLs) for whichever constituents impair a particular water body. These constituents include inorganic and organic chemical compounds, metals, sediment, and biological agents. The EPA approved a revised list of impaired waters pursuant to Section 303(d) in July 2003. There are currently no water bodies within the Plan Area that are listed as impaired. Reach 5 of the Santa Ana River (as defined in the Santa Ana Region Basin Plan prepared by the RWQCB) extends from Seven Oaks Dam to San Bernardino, to the San Jacinto Fault (Bunker Hill Dike), which marks the downstream edge of the Bunker Hill groundwater basin. Reach 4 of the Santa Ana River includes the river from the Bunker Hill Dike down to Mission Boulevard Bridge in Riverside. Reach 4

which is located downstream of the Plan Area is listed as impaired for the following pollutants: pathogens and salinity/TDS/chlorides.

National Flood Insurance Program (NFIP)

The Federal Government has been actively involved in flood control since 1927, following the occurrence of major floods on the Mississippi River. Beginning with the Flood Control Act of 1936, Congress assigned the U.S. Army Corps of Engineers (USACE) the responsibility for flood control engineering works and later for floodplain information services. Flood control was provided through the construction of dams and reservoirs. Despite these programs and rapidly rising Federal expenditures for flood control, flood losses continued to rise. In 1968, Congress passed the National Flood Insurance Act, which created the NFIP. The Flood Disaster Protection Act of 1973, which amended the 1968 Act, required the purchase of flood insurance by property owners who were located in special flood hazard areas and were being assisted by Federal programs, or by Federally supervised, regulated, or insured agencies or institutions.

Executive Order 11988, Flood Plain Management

Executive Order 11988 requires the USACE to provide leadership and to take action to:

- Reduce the hazards and risk associated with floods;
- Minimize the impact of floods on human health, safety, and welfare; and
- Restore and preserve the natural and beneficial values of the current floodplain.

To comply with Executive Order 11988, the policy of the USACE is to develop projects that, to the extent possible, avoid or minimize adverse effects associated with use of the floodplain and that avoid development (or the inducement of development) in an existing floodplain unless there is no practicable alternative. Executive Order 11988 was modified by Executive Order 13690 on January 30, 2015. The Order requires Federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. The guidelines address an eight-step process that agencies should carry out as part of their decision-making on projects that have potential impacts to or within the floodplain.

B.4.2 STATE

California Water Code

The California Water Code Division 7 is the principal State law regulating water quality in California. Other California Codes contain water quality provisions requiring compliance as they relate to specific activities. The California Water Code, Division 7 (also known as the Porter-Cologne Act) establishes a program to protect water quality and beneficial uses of the State water resources and includes both ground and surface waters. The SWRCB and the RWQCB are the principal State agencies responsible for control of water quality. The SWRCB and the RWQCB establish waste discharge requirements, water

quality control and monitoring, enforcement of discharge permits, and ground and surface water quality objectives. They also prevent waste and unreasonable use of water and adjudicate water rights.

California Code of Regulations

The California Code of Regulations contains administrative procedures for the State and RWQCBs in Title 23 and for water quality for domestic uses, wastewater reclamation, and hazardous waste management in Title 22. The California Department of Fish and Wildlife (CDFW), through provisions of the California Fish and Game Code (Sections 1601 through 1603), is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. The presence of a channel bed and banks, and at least an intermittent flow of water, define streams (and rivers). The CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by the CDFW.

Cobey-Alquist Flood Plain Management Act

The Cobey-Alquist Flood Plain Management Act states that a large portion of land resources of the State of California is subject to recurrent flooding. The public interest necessitates sound development of land use, as land is a limited, valuable, and irreplaceable resource, and the floodplains of the State are a land resource to be developed in a manner that, in conjunction with economically justified structural measures for flood control, will result in prevention of loss of life and of economic loss caused by excessive flooding. The primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish floodplain management rests with local government. It is policy of the State of California to encourage local government to plan land use regulations to accomplish floodplain management and to provide State assistance and guidance.

California Toxics Rule

The California Toxics Rule, issued by the EPA through the Clean Water Act, establishes acute and chronic surface water quality standards for water bodies with human health or aquatic life designated uses.

The California Toxics Rule states:

This final rule promulgates: numeric aquatic life criteria for 23 priority toxic pollutants; numeric human health criteria for 57 priority toxic pollutants; and a compliance schedule provision which authorizes the State to issue schedules of compliance for new or revised National Pollutant Discharge Elimination System permit limits based on the Federal criteria when certain conditions are met.

The Clean Water Act requires numeric water quality criteria for priority toxic pollutants to be adopted by states in order to ensure designated uses for water are maintained. The State's water quality control plans were overturned in 1994 by the State court in which criteria for priority toxic pollutants were a component. Thus, the California Toxics Rule was created in 1994 and was a result of the State in void of plans for water quality criteria for priority toxic pollutants. Acute criteria represent the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without

deleterious effects; chronic criteria equal the highest concentration to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects.

Surface Mining and Reclamation Act (SMARA) of 1975

The California Department of Conservation, Division of Mines and Geology, is in charge of mandating the regulations pursuant to SMARA. Provisions include specific performance standards for protection of surface water and groundwater. General provisions include, but are not limited to the following: mining activities shall be conducted with respect to protection of surface and groundwater from siltation and pollutants, which may diminish water quality and downstream beneficial uses of the water in accordance with the Porter-Cologne Water Quality Control Act; the quality of water, recharge potential, and storage capacity of groundwater aquifers which are the source of water for domestic, agricultural, or other uses dependent on the water, shall not be diminished, except as allowed in the approved reclamation plan; and/or extraction of sand and gravel from river channels shall be regulated in order to prevent lowering of groundwater levels. Cemex and Robertson's have implemented and follow their respective mine and reclamation plans for the Upper Santa Ana River Wash aggregate lands to ensure compliance with all applicable SMARA regulations.

B.4.3 REGIONAL

The Santa Ana RWQCB regulates surface and groundwater quality through adoption of water quality plans and standards, and issuance of water quality permits and waivers in the Santa Ana River watershed. Each of the nine RWQCBs adopts a Water Quality Control Plan, or Basin Plan, which recognizes and reflects regional differences in existing water quality, the beneficial uses of the region's ground and surface waters, and local water quality conditions and problems. Water quality problems in the region are listed in the Basin Plan, along with the causes, where they are known. Each RWQCB is to set water quality objectives that will ensure the reasonable protection of beneficial uses and the prevention of nuisance, with the understanding that water quality can be changed somewhat without unreasonably affecting beneficial uses. The Plan Area is located in the Santa Ana River watershed and covered under the Water Quality Control Plan for the Santa Ana River Basin (8), 1995, as amended.

Upper Santa Ana River Watershed Integrated Regional Water Management Plan (IRWMP) January 2015

The Upper Santa Ana River Watershed (USARW) has a long-standing history of collaboration by water resource management agencies to manage the watershed's unique water supply, water quality, flood, and habitat challenges. In 2005, this collaboration allowed the agencies to successfully form the USARW Integrated Regional Water Management Region (IRWM Region or Region) and develop an integrated plan for managing water resources in the Region. The USARW Integrated Regional Water Management Plan (IRWMP) is the result of this effort. The 2014 IRWMP serves as an update to the IRWMP developed in 2007, and incorporates new information describing the Region, updates goals and objectives, re-evaluates strategies, and develops a process for future implementation of the IRWMP. Stemming from this effort, the agencies in the Region created the Basin Technical Advisory Committee (BTAC) to facilitate implementation of the IRWMP. Development of the BTAC has strengthened dialogue and

cooperation between agencies and has improved regional planning. The BTAC, which serves as the Regional Water Management Group, is open to all agencies and stakeholders who desire to participate in the IRWMP Region's planning and management efforts.

The agencies in the IRWMP Region and the larger SAR watershed have a long history of working together to solve water resources related issues. These agencies recognize IRWM planning as another opportunity to work together to manage water resources on a regional level. The organizational structure of the Region's governance reflects this long history of openly working together. The open nature of the Region's governance structure allows for effective inter- and intra-regional collaboration, and a range of stakeholders that help to provide a balance in interest groups.

One Water One Watershed (OWOW) Integrated Regional Water Management Plan (IRWMP)

The Santa Ana Watershed Project Authority (SAWPA) is a special district Joint Powers Authority that carries out functions of assistance to its member agencies. Like the USARW IRWMP mentioned above, the OWOW IRWMP is a collaborative water resource planning mechanism that carries out plans and functions useful to its member agencies in the region. In 2014, SAWPA updated its 2010 OWOW IRWMP and brought a new focus to provide sustainable water resource planning and more consideration on the environment and the communities downstream. This was a change from a previous focus on providing "high-quality water at the lowest cost possible."

The OWOW IRWMP is facilitated by SAWPA whereas the Steering Committee leads the OWOW IRWMP and develops goals, strategies and the decision-making process for the OWOW IRWMP. The Steering Committee is supported by stakeholders and technical experts that are organized into ten ranging disciplines, including water quality, climate change, and environmental justice.

B.4.4 LOCAL

County of San Bernardino General Plan

Circulation and Infrastructure Element

Goal CI 11 The County will coordinate and cooperate with governmental agencies at all levels to ensure safe, reliable, and high quality water supply for all residents and ensure prevention of surface and ground water pollution.

Policy CI 11.1 *Apply Federal and State water quality standards for surface and groundwater and wastewater discharge requirements in the review of development proposals that relate to type, location and size of the proposed project to safeguard public health.*

Policy CI 11.12 *Prior to approval of new development, ensure that adequate and reliable water supplies and conveyance systems will be available to support the development, consistent with coordination between land use planning and water system planning.*

Programs:

1. Prohibit nonessential water uses during declared emergencies in the directly affected water supply area, with coordination between the County Division of Environmental Health Services (DEHS) of the Department of Public Health and responsible authorities.
2. Cease the acceptance of land development applications in the directly affected water supply area during declared emergencies.
3. Consider the effect of development proposals and whether or not they should include the phased construction of water production and distribution systems. Hydrological studies may be required as appropriate.
4. The County DEHS will continue to show that adequate and reliable water supply is verified in conformance with responsibilities assigned by state law and the Cooperative Operating Agreement between the County DEHS and State Department of Health.
5. Utilize the Cooperative Operating Agreement between the State Department of Health and the County DEHS to monitor and provide information to the responsible authorities on a continuous basis, compile annual reports on the capacity and condition of distribution systems, and develop contingency plans for water resource management.
6. Develop a systematic, ongoing assessment of regional and local water supply needs and capabilities to serve planned land uses as defined in the General Plan.
7. Monitor future development to ensure that sufficient local water supply or alternative imported water supplies can be provided.
8. Cooperate with Special Districts (board-governed and self-governed), independent water agencies and the cities, as applicable to a particular development, to assist in the planning and construction of new water supply and distribution facilities on the basis of the cities and County's adopted growth forecasts.
9. Encourage new development to locate in those areas already served or capable of being served by an existing approved domestic water supply system.

Goal CI 13 The County will minimize impacts to stormwater quality in a manner that contributes to improvement of water quality and enhances environmental quality.

Policy CI 13.1 *Utilize site design, source control, and treatment control best management practices (BMP's) on applicable projects, to achieve compliance with the County Municipal Stormwater NPDES Permit.*

Policy CI 13.2 *Promote the implementation of low impact design principles to help control the quantity and improve the quality of urban runoff. These principles include:*

- Minimize changes in hydrology and pollutant loading; ensure that post development runoff rates and velocities from a site do not adversely impact downstream erosion, and stream habitat; minimize the quantity of stormwater directed to impermeable surfaces; and maximize percolation of stormwater into the ground where appropriate.
- Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels;
- Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site;
- Establish development guidelines for areas particularly susceptible to erosion and sediment loss;
- Require incorporation of structural and non-structural BMPs to mitigate projected increases in pollutant loads and flows.

City of Highland General Plan

Public Services and Facilities Element

Goal 4.4 Maintain an effective drainage system that protects people and property from overflows and flood disasters.

Policy 1 *Continue to improve any deficiencies in the City's drainage system and address the long-term needs associated with future development to minimize flood damage and adequately direct rainfall and subsequent runoff.*

Policy 2 *Minimize the impact of development on the City's drainage system by reducing the amount of impervious surface associated with new development and encouraging site design features or landscaping that capture runoff. Encourage on-site retention of stormwater and compliance with requirements of the National Pollutant Discharge Elimination System.*

Conservation and Open Space Element

Goal 5.3 Continue to work with the East Valley Water District to meet the current and future water needs of its residents.

Policy 1 *To the extent possible, preserve floodplain and aquifer recharge areas in their natural condition.*

Policy 2 *Continue to coordinate water resource policy with the East Valley Water District and other relevant agencies.*

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- Goal 5.4 Continue to preserve and enhance the water quality and natural habitat of its waterways.
- Policy 1** *In coordination with the East Valley Water District and the County of San Bernardino, continue to maintain and improve the hydrology and natural quality of the watersheds of Bledsoe Creek, Plunge Creek, Elder Gulch, City Creek, Sand Creek, Warm Creek, Old City Creek Overflow Channel, Bald Ridge Creek, Santa Ana Canyon and the Santa Ana River.*
- Policy 3** *Cooperate with other agencies and participate in multi-jurisdictional efforts to improve watershed management practices.*
- Policy 4** *Reevaluate the effect of engineering practices and specifications relative to storm channel design to avoid their appearance as “concrete ditches.”*
- Goal 5.5 Continue to reduce urban runoff.
- Policy 1** *Use water quality best management practices (BMPs) in land planning, project-level site planning and procedural requirements as part of the Storm Water Quality Management Plan.*
- Policy 3** *Require site design practices that capture and channel specified percentages of rainfall and other runoff to permeable surfaces.*
- Policy 5** *Develop an informational brochure for residents and developers summarizing best management practices for reducing urban runoff.*
- Goal 5.6 Monitor and strengthen Highland’s water conservation practices.
- Policy 1** *Continue to inspect, maintain and enhance City facilities for water conservation purposes.*
- Policy 2** *Continue interdepartmental coordination of water use and conservation policies to improve City-facility water use.*
- Goal 5.9 Manage mineral resources and extraction policies for short and long term safety, economic and land use compatibility considerations.
- Policy 3** *Develop criteria for location and operation of mineral processing to minimize adverse impacts to the environment, watersheds, wildlife, aesthetic resources, public health and safety, and adjacent land uses.*
- Policy 5** *Require that mining plans include, but not be limited to, the following:*

- Effects on terrain, natural and man-made slopes, permeability of soil, groundwater quality;
- Protection of water quality through erosion, runoff, and sedimentation control.

Public Health and Safety Element

Goal 6.3 Reduce the risk to life and minimize physical injury, property damage, and public health hazards from the effects of a 100-year storm or 500-year storm and associated flooding.

Policy 6 *Continue to work with the San Bernardino County Flood Control District and the United States Army Corps of Engineers to receive and implement updated flood control measures and information.*

Policy 7 *Utilize flood control methods that are consistent with Regional Water Quality Control Board policies and Best Management Practices (BMPs).*

City of Redlands General Plan

Open Space and Conservation Element

7.22a Minimize dependence on imported water by increasing entitlement in local surface sources, using wise groundwater management practices, conservation measures, and the use of reclaimed wastewater and nonpotable water for irrigation of landscaping and agriculture, where feasible.

7.22b The City of Redlands overlies a portion of the Bunker Hill Groundwater Basin. This Basin contains in excess of 3 million acre feet of water. This local supply source must be cleaned up, used to its full potential, and protected from outside interests. This requires the cooperation of all agencies within the Basin.

7.22c The City of Redlands recognizes that the water sources that constitute the water supply of the City of Redlands are a limited and renewable resource subject to increasing demands; that the conservation and efficient use of urban water supplies are of statewide concern; but that planning for that use and the implementation of those plans can best be accomplished at the local level.

B.5 BIOLOGICAL REGULATIONS

B.5.1 FEDERAL

Federal Endangered Species Act

Section 7

Section 7 of the FESA requires Federal agencies to ensure that their actions, including issuing permits, are not likely to jeopardize the continued existence of listed species or destroy or adversely modify listed species' Critical Habitat (CH). "Jeopardize the continued existence of..." pursuant to 50 CFR 402.02,

means to engage in an action that reasonably would be expected, directly, or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. Issuance of an Incidental Take Permit (ITP) under Section 10(a)(1)(B) of the FESA by the Service is a Federal action subject to Section 7 of the Act. As a Federal agency issuing a discretionary permit, the Service is required to consult with itself (i.e., conduct an internal consultation). Approval of the Wash Plan HCP and a Section 10(a)(1)(B) permit application initiates an internal Section 7 consultation process within the Service. BLM is also required to engage in Section 7 consultation on its actions if they may affect listed species or designated critical habitat.

Section 7 consultation requires analyses of direct and indirect effects on designated Critical Habitat (CH), listed plant and animal species, and analyses of cumulative effects on listed species. Cumulative effects are effects of future State, Tribal, local or private actions, not involving Federal activities, that are reasonably certain to occur in the action area. The action area is defined by the influence of direct and indirect impacts of Covered Activities. The action area may or may not be solely contained within the Wash Plan HCP boundary.

For the HCP, the USFWS will conduct an internal Section 7 consultation and prepare a Biological Opinion (BO). Take of federally listed species on BLM land will be authorized through a separate but related consultation between BLM and the USFWS under Section 7 of the FESA.

Section 9

Section 9 of the FESA and Federal regulations pursuant to Section 4(d) of FESA prohibit the incidental take of endangered and threatened species, respectively, without special exemption. “Take” or “taking” is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.” “Take” under FESA does not apply to plant species, and incidental take of plant species is not prohibited under FESA; however, two plant species are included as Covered Species in recognition of the conservation measures provided for them under the HCP and will receive “No Surprises” regulatory assurances under the federal ITP. Harm is defined in the regulations at 50 CFR 17.3 as “an act which actually kills or injures wildlife [and] may include significant habitat modification.”

Pursuant to Section 11(a) and (b) of FESA, any person who knowingly violates this Section 9 of the FESA or any permit, certificate, or regulation related to Section 9, may be subject to civil and criminal penalties.

Section 10

Individuals and other entities, including State and local agencies, proposing an action that is expected to result in the *incidental take* of federally listed wildlife species are encouraged to apply for an ITP under Section 10(a)(1)(B) of the FESA to be in compliance with the law. Such permits are issued by the USFWS when incidental take is not the purpose of and is incidental to otherwise legal activities. An application for an ITP must be accompanied by an HCP. The regulatory standard under Section 10(a)(2)(B) of the FESA is that the HCP must minimize and mitigate the impacts of the incidental taking to the maximum

extent practicable. Additionally, under Section 10(a)(2)(B), the incidental taking must not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and adequate funding to implement the HCP must be ensured.

Section 10(a)(1)(B) Process – Habitat Conservation Plan requirements and Guidelines

The Section 10(a)(1)(B) process for obtaining and ITP has three primary stages: (1) the HCP development stage; (2) the formal permit processing stage; and (3) the post-issuance stage.

During the HCP development stage, the project applicant prepares a plan that integrates the Proposed Action(s) with the protection of listed species. An HCP submitted in support of an ITP application must include the following information:

- Impacts likely to result from the proposed taking of the species for which permit coverage is requested;
- Measures that will be implemented to monitor, minimize, and mitigate impacts; funding that will be made available to undertake such measures; and procedures to deal with unforeseen circumstances;
- Alternative actions considered to the proposed incidental taking that the applicant considered and the reasons why such alternatives were not being utilized; and
- Additional measures the Service may require as necessary or appropriate for purposes of the HCP.

The HCP development stage concludes and the permit processing stage begins when a complete application package is submitted to the appropriate permit-issuing office. A complete application package consists of 1) an HCP, 2) an Implementing Agreement (IA), if appropriate, 3) a permit application, and 4) a \$100 fee from the applicant. The Service must publish a Notice of Availability of the HCP package in the Federal Register to allow for public comment. In processing the application, the USFWS also prepares an Intra-Service Section 7 BO and Set of Findings, which evaluate the Section 10(a)(1)(B) permit application in the context of permit issuance criteria (see below). An Environmental Action Statement, Environmental Assessment, or Environmental Impact Statement serves as the USFWS record of compliance with the National Environmental Policy Act, which is also made available for a 30-day, 60-day, or 90-day public comment period, as appropriate. An IA is often developed for more complicated HCPs. A Section 10(a)(1)(B) ITP is granted upon a determination by USFWS that all requirements for permit issuance have been met. Statutory criteria for issuance of the permit specify that:

- The taking will be incidental;
- The impacts of the incidental take will be minimized and mitigated to the maximum extent practicable;
- Adequate funding for the HCP and procedures to handle unforeseen circumstances will be provided;

- The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild;
- The applicant will provide additional measures that the Service requires as being necessary or appropriate; and
- The Service has received assurances, as may be required, that the HCP will be implemented.

During the post-issuance stage, the Permittees and other Participating Entities implement the HCP, and the USFWS monitors the Permittee's compliance with the HCP as well as the long-term progress and success of the HCP. The public is notified of the permit issuance by means of a Federal Register notice.

The required key elements to be included in the HCP document include the following:

1. Area, time-frame, species, and activities covered by the plan and permit;
2. An estimate of the incidental take and associated impacts;
3. A conservation plan (with all of the items below);
 - a. Biological goals and objectives,
 - b. Measures to avoid, minimize, mitigate, and monitor incidental take and its effects,
 - c. Implementation and effectiveness of monitoring,
 - d. Adaptive management provisions,
 - e. Measures for changed and unforeseen circumstances,
 - f. Provisions for amending the plan and permit,
 - g. Funding provisions and assurances, and
 - h. Alternatives to the taking of listed species and the reasons why they are not selected.

National Environmental Policy Act (NEPA)

The purpose of NEPA is two-fold: to ensure that Federal agencies examine environmental impacts of their actions (in this case deciding whether to issue an ITP); and to provide a mechanism for public participation. NEPA serves as an analytical tool on direct, indirect, and cumulative impacts of the Proposed Action alternatives to help the

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

Clean Water Act Section 404

Areas meeting the regulatory definition of “Waters of the United States” are subject to the regulatory jurisdiction of the U. S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA) (1972). The USACE, under provisions of Section 404 of the CWA, has jurisdiction over “Waters of the United States” (jurisdictional waters). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as Waters of the U.S., tributaries of waters otherwise defined as Waters of the U. S., the territorial seas, and wetlands adjacent to Waters of the U.S. (33 CFR, Part 328, Section 328.3).

Areas generally not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and, under certain circumstances, water-filled depressions created in dry land incidental to construction activity (51 Federal Register 41217, November 13, 1986).

San Bernardino Kangaroo Rat Critical Habitat

The USFWS designated critical habitat (CH) for the San Bernardino kangaroo rat (SBKR) has been delineated within the Plan Area (Figure 3.4-1, *SBKR Critical Habitat*). This designation encompasses approximately 561 acres of the Plan Area, as well as portions of land outside the Plan Area which include the Santa Ana River, and Plunge Creek. This CH was occupied at the time of listing, is currently occupied, and was determined by USFWS to contain all of the features essential to the conservation of SBKR.

Federal Land Policy and Management Act (FLPMA)

The Federal Land Policy and Management Act was enacted in 1976 in the United States Code under Title 43. The FLPMA repealed the pre-existing Homestead Acts and declared that public lands would remain in public ownership. Under the FLPMA, the National Forest Service, National Park Service, and the BLM are commissioned to allow a variety of uses on their managed lands, while simultaneously seeking to preserve natural resources within their jurisdictions. This multiple-use approach is defined in the FLPMA as “management of the public lands and their various resources values so that they are utilized in the combination that will best meet the present and future needs of the American people.” FLPMA addresses topics such as land use planning, land acquisition, fees and payments, administration of Federal land, range management, and rights-of-way on Federal land.

B.5.2 STATE**California Environmental Quality Act (CEQA)**

CEQA is similar to but more extensive than NEPA in that it requires that significant environmental impacts of proposed projects be reduced to a less than significant level through adoption of feasible avoidance, minimization, or mitigation measures unless overriding considerations are identified and

documented. CDFW's action on a 2081 Permit is subject to CEQA, and will be addressed by the NEPA/CEQA environmental review process for the HCP.

California Fish and Game Code

State-listed threatened and endangered species are protected under provisions of the California Endangered Species Act (CESA). Activities that may result in take of individuals (defined in CESA as; "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"), incidental to otherwise lawful activity are regulated by California Department of Fish and Wildlife (CDFW). Habitat degradation or modification is not included in the definition of incidental take under CESA. Nonetheless, CDFW has interpreted "incidental take" to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

CDFW and USFWS Species of Concern

The CDFW has also produced a Species of Special Concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of Special Concern may receive special attention during environmental review, but they do not have formal statutory protection. At the Federal level, USFWS also uses the label Species of Concern, an informal term that refers to species which might be in need of concentrated conservation actions.

As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

California Department of Fish and Game Code Sections 3503, 3503.5, 3511, and 3513

The CDFW administers the California Fish and Game Code. There are particular sections of the Code that are applicable to natural resource management. For example, section 3503 of the Code (Bird Nests) makes it "unlawful to take, possess or needlessly destroy the nests or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." Therefore, CDFW may issue permits authorizing incidental take pursuant to CESA. The HCP contains conservation measures to avoid such take to the maximum extent practicable in order to comply with Section 3503. However, some take of covered birds still may occur; the 2081 permit will serve as the state authorization for take of nests or eggs of covered birds pursuant to Section 3503. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the

Code which prohibits take, possess, or destroy any birds of prey or their nest or eggs, “except as otherwise as provided by this code or any regulation adopted pursuant thereto.”

In the 1960s, before the CESA was enacted, the California Legislature identified species for specific protection under the California Fish and Game Code. These fully protected species may not be taken or possessed at any time, and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.⁶ Fully protected species are described in Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the California Fish and Game Code. These protections state that “...no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected [bird], [mammal], [reptile or amphibian], [fish].” No fully protected species are covered by the HCP, and CDFW cannot issue a 2081 permit for fully protected species. Fully protected species expected to occur in the Plan Area include, but are not restricted to, those listed below.

- White-tailed kite (*Elanus leucurus*)
- Golden eagle (*Aquila chrysaetos*)
- Bald eagle (*Haliaeetus leucocephalus*)

Fully Protected Species are not Covered Species under the HCP. The HCP does not seek a permit for Fully Protected Species because incidental take is not anticipated in association with Covered Activities or overall HCP implementation.

California Native Plant Society Rare, Threatened or Endangered Plant Ranking System

Vascular plants considered as rare, threatened, or endangered by CNPS (2018), but which have no designated status under State or Federal endangered species legislation, have been given conservation ranking codes (California Rare Plant Rank; CRPR) that are defined as follows:

- CRPR 1B. Plants rare, threatened, or endangered in California and elsewhere.
- CRPR 2. Plants rare, threatened, or endangered in California, but more common elsewhere.
- CRPR 3. Plants about which we need more information - a review list CRPR.
- CRPR 4. Plants of limited distribution - a watch list.

California Department of Fish and Game Code Section 1600 ET SEQ.

The California Fish and Game Code establishes CDFW jurisdiction over alterations to lakes and streams in Sections 1601-1603. Also known as Lake or Streambed Alteration Agreement, this jurisdiction

⁶ CDFW can issue permits authorizing the incidental take of fully protected species under the CESA, so long as any incidental take authorization is issued in conjunction with the approval of a Natural Community Conservation Plan (NCCP). The Conservation District is not seeking an NCCP Permit.

generally extends to the hinge points on the top-of-bank of opposing channel banks and/or the full lateral extent of riparian vegetation beyond the top-of-bank. Definitions used in the identification of the CDFW jurisdiction are contained in various documents including the Fish and Game Code, Title 14 of the California Code of Regulations (Cal. Code Regs., tit. 14 Section 699.5), and, “*A Field Guide to Lake and Streambed Alteration Agreements*”, Sections 1600-1607, California Fish and Game Code (1994). These areas generally include rivers, streams, creeks, or lakes. In addition, canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife.

Activities that result in the diversion or obstruction of the natural flow of a stream, or which substantially change its bed, channel or bank, or which utilize any materials (including vegetation) from the streambed, may require that a Project Applicant enter into a Streambed Alteration Agreement with CDFW.

B.5.3 LOCAL

City of Highland General Plan

The City of Highland has set forth goals and policies throughout its *General Plan* to guide future change and development within the City.

Conservation and Open Space Element

Goal 5.5 Maintain, protect and preserve biologically significant habitats, including riparian areas, woodlands and other areas of natural significance.

Policy 1 *Continue participation, in cooperation with relevant agencies and jurisdictions, in the preparation, planning and implementation of Habitat Conservation Plans and preservation areas.*

Policy 2 *Ensure that all development, including roads proposed adjacent to riparian and other biologically sensitive habitat, avoid significant impacts to such areas.*

Policy 3 *Require that new development proposed in such locations be designed to:*

Minimize or eliminate the potential for unauthorized entry into the sensitive area;

Create buffer areas adjacent to the sensitive area, incorporating the most passive uses of the adjacent property;

Protect the visual seclusion of forage areas from road intrusion by providing vegetative buffering;

Provide wildlife movement linkages to water sources and other habitat areas;

Provide native vegetation that can be used by wildlife for cover along roadsides; and

Protect wildlife crossings and corridors.

- Policy 4** *Design lighting systems so as to avoid intrusion of night lighting into the sensitive area.*
- Policy 5** *As part of the environmental review process, require that projects determined to be located within a biologically sensitive area prepare documentation on the impacts of such development along with mitigation and mitigation monitoring programs.*
- Policy 6** *Ensure that required biological assessments are conducted in cooperation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.*
- Policy 7** *Within existing natural and naturalized areas, preserve existing mature trees and vegetation.*
- Policy 9** *Enforce requirements that healthy, mature individual specimen trees be preserved in place, as per the City Municipal Code.*
- Policy 10** *Require builders and developers to prune, treat and maintain existing trees and plant new ones within future rights-of-way, public lands, common areas and development projects.*
- Policy 11** *Enforce the tree preservation ordinance as a means of managing the preservation of trees and their removal, where necessary.*
- Policy 12** *Require replacement at a 2:1 ratio of all mature trees (those with 24-inch diameters or greater measured 4½ feet above the ground) that are removed.*

City of Redlands General Plan

The City of Redlands has set forth goals and policies throughout its *General Plan* to guide future change and development within the City.

Open Space Element – Guiding Policies

- Policy 7.21a** *Minimize disruption of wildlife and valued habitat throughout the Planning Area.*
- Policy 7.21b** *Preserve, protect, and enhance natural communities of special status.*
- Policy 7.21c** *Recognize the links between biotic resources in discrete locations throughout Redlands.*
- Policy 7.21d** *Preserve, protect, and enhance wildlife corridors connecting the San Bernardino National Forest, Santa Ana River Wash, Crafton Hills, San Timoteo/Live Oak Canyons, the Badlands, and other open space areas.*
- Policy 7.21e** *Preserve, restore, protect, and enhance riparian corridors throughout the Planning Area.*

Open Space Element – Implementing Policies

Policy 7.21h *Require a biological assessment of any proposed project site where species or the habitat of species defined as sensitive status by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service might be present.*

Policy 7.21i *Require that proposed projects adjacent to, surrounding, or containing wetlands, riparian corridors, or wildlife corridors be subject to a site-specific analysis which will determine the appropriate size and configuration of a buffer zone.*

Policy 7.21q *Support the U.S. Army Corps of Engineers' efforts to establish a preserve for the Santa Ana River woolly star as mitigation for habitat anticipated to be lost as a result of construction of the Seven Oaks Dam, and work with concerned agencies and organizations to preserve the species in the Planning Area.*

Policy 7.21r *Work with concerned agencies and organizations to preserve the Slender-horned Spineflower.*

Policy 7.21s *Coordinate aggregate resource extraction with habitat preservation and protection of plant and animal species.*

County of San Bernardino General Plan

The Conservation Element of the *County of San Bernardino General Plan* includes concepts and guidelines to manage, preserve, and utilize natural resources.

Goal CO 1 The County will maintain to the greatest extent possible natural resources that contribute to the quality of life within the County.

Policy CO 1.1 *The County will coordinate with appropriate agencies and interested groups to develop, fund and implement programs to maintain the County's natural resources base.*

Programs:

1. The County shall coordinate with local interest groups, State, and Federal agencies, prior to the approval of land use conversion to ensure adequate protections are in place to preserve habitat for resident and migratory species that may depend on aquatic, riparian, and/or unique upland habitat within the County. The Overlay will be designed to identify the known distribution of rare, threatened and endangered species and the habitats they rely upon.
2. The County will coordinate with appropriate agencies (e.g., the Service, California Natural Diversity Database⁷, BLM, National Park Service, California Native Plant

⁷ The California Natural Diversity Database is a database created and maintained by the California Department of Fish and Wildlife.

Society, etc.) and interested groups (e.g., Audubon Society, San Bernardino County Museum) to develop, fund and implement a geographic information and web-based database system for identifying important biological resources and natural open space areas within the Valley, Mountain, and Desert Regions of the County. The implementation of the aforementioned geographic information and database system is a commitment to update and enhance the Biological and Open Space Overlays within a specific area prior to approval of any subsequent development plans. This program includes the maintenance of the web-based database with completed biological opinions that will contribute to the evaluation of cumulative impacts from previously approved projects. Furthermore, the County shall quarterly fund the San Bernardino County Museum (Museum) to review and update the Biological Resources and Open Space Overlays to facilitate an accurate and current spatial data based on local, state, and federally protected species and their habitats.

Goal CO 2 The County will maintain and enhance biological diversity and healthy ecosystems throughout the County.

Policy CO 2.1 *The County will coordinate with State and Federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs.*

Programs:

1. All County Land Use Map changes and discretionary land use proposals, for areas within the Biotic Resource Overlay or Open Space Mapping on the Resources Overlay, shall be accompanied by a report that identifies all biotic resources located on the site and those on adjacent parcels, which could be adversely affected by the proposal. The report shall outline mitigation measures designed to eliminate or reduce impacts to identified resources. An appropriate expert such as a qualified biologist, botanist, herpetologist or other professional "life scientist" shall prepare the report.
2. The County shall require the conditions of approval of any land use application to incorporate the County's identified mitigation measures in addition to those that may be required by State or Federal agencies to protect and preserve the habitats of the identified species. This measure is implemented through the land use regulations of the County Development Code and compliance with the CEQA, CESA, ESA and related environmental laws and regulations.
3. The County shall coordinate with local, State, and Federal agencies to create a specific and detailed wildlife corridor map for the County of San Bernardino. The map will identify movement corridors and refuge area for large mammal, migratory

species, and desert species dependent on transitory resource based on rainfall. The wildlife corridor and refuge area map will be used for preparation of biological assessments prior to permitting land use conversion within County jurisdictional areas. The mapping will be included in the Open Space and Biological Resource Overlays.

4. The County shall coordinate with State and Federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs. This coordination shall be accomplished by notification of development applications and through distributed CEQA documents.
5. The San Bernardino County Museum (Museum) will review and update the Biological Resources Overlay and Open Space Overlay to provide accurate and current spatial data based on rare, threatened, endangered species and the habitats that they rely on. An updated database that integrates CNDDDB data with other occurrence data from the Museum and other sources such as the Service, CDFW, USFS, BLM, NPS⁸, California Native Plant Society to identify areas where biological surveys are required. Overlay maps will identify movement corridors and refuge area for large mammal, migratory species, and desert species dependent on transitory resource based on rainfall. South Coast Wildlands Corridor Project and other data from the resource agencies will be consulted as an information reference base. The wildlife corridor and refuge area map will be used for preparation of biological assessments prior to permitting land use conversion within County jurisdictional areas. The mapping will be included in the Open Space and Biological Resource Overlays. As a Federal or State agency revises its database of endangered, threatened, or sensitive species of flora and fauna, the County may publish new Biotic Resources Overlay Maps to reflect new species or a revised distribution of the species already included on the maps without requiring a General Plan Amendment to be adopted by the Board of Supervisors.

Policy CO 2.2 *Provide a balanced approach to resource protection and recreational use of the natural environment.*

Policy CO 2.3 *In addition to conditions of approval that may be required for specific future development proposals, the County shall establish long-term comprehensive plans for the County's role in the protection of native species because preservation and conservation of biological resources are Statewide, Regional, and local issues that directly affect development rights. The conditions of approval of any land use application approved with the BR overlay district shall incorporate the mitigation measures*

⁸ NPS refers to the National Park Service.

identified in the report required by Section 82.13.030 (Application Requirements), to protect and preserve the habitats of the identified plants and/or animals.

Programs:

1. Prepare or participate in Habitat Conservation Plans when there is sufficient support of such plans, and adequate funding for their preparation, and a strong likelihood of success.
2. Establish a land ownership transfer program.
3. Establish a land conservation easement program.
4. The County shall work with local communities to improve trash collection, recycling programs, and reduce illegal dumping in unincorporated areas. The County shall sponsor mitigation efforts that minimize landfill growth, reduce trash haul routes that spread litter and increase predator species numbers (i.e., raven or crow in the Desert Region), and reduce illegal dumping of large bulk items (e.g., furniture, appliances, tires, batteries).
5. The County shall participate with Regional plans to improve water quality and habitat that are downstream but may be beyond County limits. The County shall coordinate with Regional plans to minimize degradation of water quality within the County that affects downstream resources and habitats.

Policy CO 2.4 *All discretionary approvals requiring mitigation measures for impacts to biological resources will include the condition that the mitigation measures be monitored and modified, if necessary, unless a finding is made that such monitoring is not feasible.*

Programs:

1. The monitoring program will be designed to determine whether the mitigation measures were implemented and effective.
2. The monitoring program will be funded by the Project Applicant to ensure compliance with and effectiveness of conditions of approval.
3. The County shall not permit land conversion until adequate mitigation is provided to reduce impacts to less than significant in cases where a Mitigated Negative Declaration is used for CEQA compliance. Direct and growth inducing impacts determined to cause a significant adverse effect on rare, threatened or endangered desert species shall be mitigated by avoidance, habitat restoration or compensated by off-site mitigation and evaluated through a Project-level EIR. Mitigation will be required for adverse impacts to critical areas around residential land conversion when it can be shown that the indirect effects of pets, associate human activity and other encroachments into sensitive habitats will be significant.

4. The County shall require all new roadways, roadway expansion, and utility installation within the wildlife corridors identified in the Open Space and Biological Resource Overlays to provide suitable wildlife crossings for affected wildlife. Design will include measures to reduce or prevent habitat fragmentation and provide wildlife a means of safe egress through respective foraging and breeding habitats. A qualified biologist will assist with the design and implementation of wildlife crossing including culverts, overcrossings, undercrossings, and fencing.

County of San Bernardino Development Code

Chapter 82.11, Biotic Resources (BR) Overlay, of the County of San Bernardino Development Code, includes regulations pertaining to the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats, which have been identified within unincorporated areas of the county. The Overlay may be applied to areas that have been identified by a County, State or Federal agency as habitat for species of unique, rare, threatened or endangered plants or animals or their habitats as listed in the *General Plan*. The Chapter outlines application requirements for a project proposed within a BR Overlay, including a biotic resources report.

B.6 LAND USE REGULATIONS

B.6.1 FEDERAL

The Federal Land Policy and Management Act (FLPMA) of 1976

The FLPMA governs the way in which the BLM manages public lands. In the FLPMA, Congress recognized the value of the public lands, declaring that these lands would remain in public ownership. Congress used the term "multiple use" management, defined as "management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people." The BLM is granted the ability to determine the distribution and use of public lands and is responsible for maintaining the land. Section 202 of the FLPMA outlines the development and revisions to land use plans for the use of public lands.

B.6.2 STATE

California Planning and Zoning Law

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, sections 65000 - 66499.58. Under State planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

State Aeronautics Act

The State Aeronautics Act of the California Public Utilities Code establishes statewide requirements for the conduct of airport land use compatibility planning and requires every county to create an Airport Land Use Commission (ALUC) or other alternative. Additionally, these Sections of the Code mandate the preparation of Comprehensive Land Use Plans (CLUP) to provide for the orderly growth of each public airport and the area surrounding the airport. The purpose of CLUPs includes the protection of the general welfare of inhabitants within the vicinity of the airport and the general public.

B.6.3 LOCAL**Airport Land Use Compatibility Plans**

The San Bernardino Airport Land Use Commission reviews projects proposed in and around the Redlands Municipal Airport. The Redlands Municipal Airport Land Use Compatibility Plan was adopted in 1997 and revised in 2003. The San Bernardino International Airport is located in the southeastern portion of the City of San Bernardino and is managed the by the San Bernardino International Airport Authority (SBIAA), which is comprised of representatives from the cities of San Bernardino, Highland, Loma Linda, Colton, and San Bernardino County. San Bernardino County opted for an alternative to the ALUC and delegated responsibility to prepare an Airport Land Use Compatibility Plan with each airport proprietor.

County of San Bernardino General Plan*Land Use Element*

Goal LU 1 The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Policy LU 1.2 *The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.*

Programs:

1. Discourage linear commercial development of shallow depth along streets or highways when it can be shown that such development impairs traffic flow or detracts from the aesthetic enjoyment of the surroundings, or if it can be demonstrated that equally effective services can be provided in an alternative configuration.
2. Establish special performance standards for industrial uses to control industrial odors, air pollution, noise pollution, vibrations, dust, hours of operation, exterior storage, and other nuisances.

Goal LU 8 Beneficial facilities, such as schools, parks, medical facilities, sheriff and fire stations, libraries, and other public uses, as well as potentially hazardous sites, will be equitably distributed throughout the County.

Policy LU 8.1 *Potentially polluting, hazardous, and other health risk facilities should be located no closer than one-quarter mile to a sensitive receptor and vice versa.*

Policy LU 8.2 *Review development proposals to minimize impacts, such as air emissions, on sensitive receptors.*

City of Highland General Plan

Land Use Element

Goal 2.5 Promote a mix of attractive employment-generating areas with a mix of uses that provide a sound and diversified economic base and that are compatible with the community's overall residential character.

Goal 2.6 Maintain an organized pattern of land use that minimizes conflicts between adjacent land uses.

Policy 2 *Where a question of compatibility exists, require the new use to conform to the lower intensity use.*

Policy 4 *Ensure that land uses develop in accordance with the Land Use Plan and Development Code in an effort to attain land use compatibility.*

Policy 7 *Require new or expanded uses to provide mitigation or buffers, including greenbelts or landscaping, between dissimilar uses or existing uses where potential adverse impacts could occur.*

Policy 10 *Aggressively review planning efforts of other jurisdictions to minimize potential incompatibilities with City land uses and preserve economic vitality.*

Goal 2.7 Encourage natural resource and open space preservation through appropriate land use policies that recognize their value and through the conservation of areas required for the protection of public health and safety.

Policy 3 *Permit mineral extraction activities and expansion of existing operations only where the following findings can be made:*

- Potential significant impacts related to loss of significant biological resources have been mitigated to an acceptable level, as have potential significant impacts of noise, air pollutant emissions, dust and hazardous materials;

- Significant impacts will not be created on lands used or planned for residential use;
- Public health and safety will be protected;
- Haul routes have been identified, and will be utilized, which will not create significant impacts within residential areas and will not negatively impact access into commercial/industrial areas;
- The municipal revenue-generating characteristics of the proposed operation are such that a positive fiscal benefit will accrue to the City of Highland and to its residents; and
- The analysis of fiscal benefits shall account for the incremental capital and maintenance costs for the area circulation system created by the high intensity of truck use associated with the operation.

Policy 4 *Preserve areas designated as Open Space to provide for recreation, preservation of scenic and environmental values, managed production of resources (agriculture, water reclamation and conservation, mineral extraction) and protection of public safety.*

Policy 5 *Promote joint development and use of open space resources with adjacent jurisdictions.*

Goal 2.8 Coordinate land use planning programs between local, regional, State and Federal jurisdictions.

Policy 1 *Notify neighboring jurisdictions and adjacent developments when considering changes to the City's existing land use pattern adjacent to City boundaries.*

Policy 2 *Cooperate with neighboring jurisdictions through review and comment on proposed changes to existing land use patterns that could affect the City of Highland.*

City of Redlands General Plan

Open Space and Conservation Element

7.10f Encourage preservation of natural areas within and outside the Planning Area as regional parks or nature preserves.

7.21b Preserve, protect, and enhance natural communities of special status.

7.21s Coordinate aggregate resource extraction with habitat preservation and protection of plant and animal species.

Economic Development Element

11.0a Promote a climate conducive to economic growth and rejuvenation to enhance employment and investment opportunities without sacrificing environmental standards.

- 11.0d** Encourage coordination and balance between economic development and all other aspects of community life.

Redlands Municipal Airport Land Use Compatibility Plan

1.5.1 Purpose of Special Review - Once applicable general plans, specific plans, and zoning ordinances are brought into conformance with the compatibility criteria set forth in these policies, proposals for individual land use developments ordinarily would not require any special review for airport compatibility. However, certain types of major public or private land use developments have the potential to significantly affect Redlands Municipal Airport activities or be affected by those activities.

- a. The local jurisdiction having authority over approval of the development proposal (the City of Redlands or County of San Bernardino) shall specifically review the major development actions, as listed in Paragraph 1.5.2., for conformance with these airport compatibility criteria.
- b. The agency responsible for any such review shall coordinate its review with other affected agencies as indicated in Section 1.8.

1.5.2 Types of Major Development - Except as noted under special conditions (Section 2.2.3), this special compatibility review process shall apply to the following types of land use development located within the Redlands Municipal Airport influence area defined in Section 1.2.1:

- a. Any project requiring a general plan, specific plan, or zoning ordinance amendment.
- b. Proposed residential development, including land divisions, consisting of five or more dwelling units or parcels.
- c. Building permit applications for projects having a valuation greater than \$1,000,000.
- d. Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas.
- e. Proposed land acquisition by a government entity for the purpose of developing a school or hospital.
- f. Requests for variance from the height limits established by a local zoning ordinance.
- g. Regardless of location within the City of Redlands, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (Such structures also require notification to the Federal Aviation Administration in accordance with Federal Aviation Regulations Part 77, Paragraph 77.13(a)(1). See Appendix B herein.)

- h. Any other proposed land use action, as determined by the respective local planning agency, involving questionable compatibility with airport activities.

2.2.4

Areas of Special Compatibility Concern - The purpose of this designation is take note of locations which: (1) are routinely overflown by aircraft approaching and/or departing the Redlands Municipal Airport, but at some distance from the airport; and (2) have existing and planned land uses which are compatible with the airport activity.

- a. Notation of areas of special compatibility concern is intended to serve as a reminder that airport impacts should be carefully considered in any decision to change the current land use designation.
- b. These areas are not part of the Redlands Municipal Airport influence area and are not subject to the review policies contained in this Compatibility Plan, except with respect to the notification requirements indicated in Paragraph 1.8.4. Also, establishment of a buyer awareness program is encouraged if any of these areas are to be converted to residential uses.
- c. The only portion of the Redlands Municipal Airport environs designated in this manner is the southern edge of the City of Highland.

3.4.1

Nature of Impact - All locations within the Redlands Municipal Airport influence area are regarded as potentially subject to routine aircraft overflight. Although sensitivity to aircraft overflights varies from one person to another, overflight sensitivity is particularly important within residential land uses.

- a. The City of Redlands and County of San Bernardino should each establish an overlay zone for all properties located within the Redlands Municipal Airport influence area. One function of such an ordinance would be to provide constructive notice as to: 0) what real property is within the airport influence area; and (2) the obligations of a seller of real property to disclose information regarding the airport's proximity to any prospective buyer.
- b. The City of Redlands and County of San Bernardino may require other appropriate measures, including, but not limited to, requiring the dedication of aviation or overflight easements and deed noticing. See "Other Development Conditions" in Table 2A for guidance on where measures should be applied.

*Relationship to Local General Plans and Zoning***1.4.1**

Airport land use compatibility criteria is intended to supplement the criteria established for individual land use designations under the City of Redlands and the County of San Bernardino General Plans and Zoning Ordinances.

1.4.3

Precedence: Until such time as an action is taken with regard to a particular parcel, the land use designations established in local general plans, specific plans, and zoning ordinances shall have precedence over the airport land use compatibility criteria.

- 1.4.4** *Land Use Amendments:* Any proposals to amend a general plan, specific plan, or zoning ordinance shall have precedence over the airport land use criteria.

B.6.4 SOUTH COAST RESOURCE MANAGEMENT PLAN (SCRMP)

The SCRMP provides guidance for the management of approximately 300,000 acres of BLM - administered public lands in portions of five Southern California counties: San Diego, Riverside, San Bernardino, Orange, and Los Angeles. The SCRMP provides policy guidance to manage the resource values and multiple uses of BLM-administered public lands. The SCRMP provides direction for the management of sensitive resources and open space and balances the protection of these resources with potential uses such as recreation and mineral development.

The Management Objectives of the SCRMP are:

- Provide protection and enhancement for biological values.
- Provide for effective management and protection of cultural and paleontological sites and values.
- Identify, maintain, and enhance recreational opportunities, responsive to local needs and public visitation in the area.
- Work with local community leadership and law enforcement agencies to provide for safe visits to public land and to discourage illegal uses.
- Provide for community infrastructure needs to support the residents and economy of the region, with emphasis on energy, communications and mineral materials sites.
- Coordinate management activities along the border with U.S. and Mexican agencies.
- Provide for effective fire protection, fire prevention and vegetation management in cooperation with local communities, Fire Safe Councils, and California Department of Forestry and Fire Protection.

To facilitate planning and subsequent management, the SCRMP is divided into four management areas: 1) the San Diego County Management Area, 2) the Riverside-San Bernardino County Management Area, 3) the Beauty Mountain Management Area, and 4) the Los Angeles-Orange County Management Area. The Riverside-San Bernardino County Management Area includes the western portions of these counties. There are approximately 47,000 acres of BLM-administered public land and an additional 46,000 acres of BLM-administered split estate lands. Approximately 1,044 acres of BLM-administered public land managed under the SCRMP are in San Bernardino County, with approximately 1,019 acres within the Plan Area. BLM-administered public land managed under the SCRMP and, located in the Plan Area, include the Santa Ana River Wash ACEC area and Research Natural Area (RNA). Approximately 695.4 acres (14% of the Plan Area) are designated as ACEC and RNA lands. Refer to Figure 1.0-3, *Ownership Within the Wash Plan HCP Area* for the location of the SCRMP Parcels 107-021, 107-101, 107-

121, and 108-081. The Santa Ana River Wash ACEC contains populations of federally endangered species and valuable sand and gravel resources.

The ACEC is currently unavailable for mineral material sales, closed to motorized vehicle use (except for authorized vehicles on designated authorized routes), unavailable for livestock grazing, and is a right-of-way avoidance area. The SCRMP also makes land within an ACEC unavailable for disposal through exchange or sales. Based on the Santa Ana Wash Management Plan (1996), the ACEC has the following management objectives:

Objective 1: Improve quality of Santa Ana River woolly-star and other native plant and wildlife species and conserve biodiversity

Objective 2: Improve the management of the ACEC sensitive habitats

In addition, the following valid and existing rights exist on public lands:

1. Rights-of-Way (ROW), permits, leases.
 - a. CALA 0169868: Power transmission line ROW to Southern California Edison Co.; SBM, T. 1S., R. 3W., sec. 10, E½E½W½ and W½NW¼NE¼.10, T. 1 S3 W., SBM.
 - b. LA 024759: 1909 ROW for a ditch SBM, T. 1S3W.,; 10, N½; sec. 12 S½. Grantee San Bernardino Valley Municipal Water District; N½ of sec. 10, S½ of sec. 12, T. 1 S., R. 3 W., SBM.
 - c. CACA 19146: Road ROW to Robertson's Ready Mix SBM, T. 1S3W.,; 10, E½NE¼SE¼NW¼,¼. sec. 10, T. 1 S., R. 3 W., SBM.
 - d. CACA 25557: Road ROW to the San Bernardino Valley Water Conservation District SBM, T. 1S3W.,;10, SW¼SW¼NE¼, W¼SW½NW¼, SW¼, and the N½S½SE¼,¼. sec. 10, T. 1 S., R. 3 W., SBM.
 - e. CACA 36490: Water Facility ROW to Robertson's Ready SBM, T. 1S3W.,Mix; 10, W¼SW¼SW¼NW¼ and NW¼NW¼NW¼SW¼,¼. sec. 10, T. 1 S., R. 3 W., SBM .
 - f. CACA 50427: Road ROW to the San Bernardino County; SBM, T 1S3W., sec. 10, S½NW¼, SW¼, sec. 10, T 1 S¼., R. 3 W., SBM.
 - g. Secretary's Order Withdrawal for power transmission in the S1/2, Section 10 and the S1/2 of Section 12, T 1 S., R. 3 W., SBM. . Grantee unknown (no case file on record).

B.6.5 CITY OF HIGHLAND GENERAL PLAN AND ZONING

Generally, the northern half of the Plan Area is located with the City of Highland's boundaries (city limits). The City of Highland General Plan includes the following land use designations within the Plan Area: Agriculture/Equestrian, Open Space, Parks, Industrial, Public, Low Density Residential, and Neighborhood Commercial and General Commercial. Zoning within the City of Highland corresponds

with the land use designations and includes: Agricultural/Equestrian Residential, Open Space, Industrial, Public/Quasi-Public, R-1 Single Family Residential, General Commercial, and Planned Commercial and Development. Refer to Figure 3.5-1, *Existing General Plan Land Use* and Figure 3.5-2, *Existing Zoning*.

Land use designations in the City of Highland northwest, north, and east of the Plan Area include: Business Park, Industrial, Planned Development, General Commercial, Parks, and Agriculture/Equestrian. Corresponding zoning includes: Business Park, Industrial, Planned Development, General Commercial, Open Space, and Agricultural/Equestrian Residential.

B.6.6 CITY OF REDLANDS GENERAL PLAN AND ZONING

Generally, the southern portion of the Plan Area is located within the City of Redland's boundaries (city limits). The City of Redlands General Plan includes the following land use designations within the Plan Area: as Flood Control/Construction Aggregates and Conservation/Habitat Preservation, Agriculture, Resource Conservation, Public/Institutional, Open Space, Parks/Golf Courses, and Light Industrial. The portion of the Plan Area in the City of Redlands is zoned Open Space. Refer to Figure 3.5-1, *Existing General Plan Land Use* and Figure 3.5-2, *Existing Zoning*.

Land use designations in the City of Redlands to the southwest, south, and southeast of the Plan Area include: Light Industrial, Agriculture, Very Low and Low Density Residential, Parks, Public/Institutional, and Parks/Golf Courses. Corresponding zoning includes: Industrial, Agriculture, Single-Family Residential, Airport, and Specific Plan.

B.6.7 COUNTY OF SAN BERNARDINO GENERAL PLAN AND ZONING

The following land use designations occur within the small unincorporated areas along the southeastern border of the Plan Area: Resource Conservation, Light Industrial, and Agriculture. Corresponding Zoning includes: Floodway, Region Industrial, and Agriculture.

B.7 SOCIOECONOMICS, POPULATION AND HOUSING, AND ENVIRONMENTAL JUSTICE REGULATIONS

B.7.1 FEDERAL

Council on Environmental Quality

The Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508) provide guidance related to social and economic impact assessments. These regulations note that the "human environment" assessed under NEPA is to be "interpreted comprehensively" to include "the natural and physical environment and the relationship of people with that environment" (40 CFR 1508.14). Furthermore, these regulations require agencies to assess "aesthetic, historic, cultural, economic, social, or health" effects, whether direct, indirect, or cumulative

(40 CFR 1508.8). Some Federal agencies, including the BLM and USFS⁹, have developed socioeconomics-related handbooks and instructional memoranda to help the preparers of environmental impact statements comply with NEPA with respect to socioeconomic resources.

Environmental Justice

All projects involving a Federal action (funding, permit, or land) must comply with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed by President Clinton on February 11, 1994. This Executive Order directs Federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Low income is defined based on the Department of Health and Human Services poverty guidelines. For 2017, this was \$24,600 for a family of four¹⁰. All considerations under Title VI of the Civil Rights Act of 1964 and related statutes have also been included in this project.

The *Final Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses* (April 1998) states a minority or low-income population is considered substantial when more than 50 percent of the affected population are minority and/or low-income, or when the affected population has a minority or low income percentage that is meaningfully greater than the percentage of minority or low-income people in the general population, or other appropriate unit of geographic analysis. The two basic steps in an environmental justice analysis include the assessment of: (1) whether the potentially affected community has a substantial minority population, low-income population, or Indian tribe; and (2) whether the environmental impacts are likely to fall disproportionately on an identified minority population, low-income population, and/or Indian tribe.

B.7.2 STATE

Although the State CEQA Guidelines exclude discussion of significance criteria for economic impacts, the guidelines include questions related to population growth and displacement. Therefore, these topics are discussed in this Affected Environment section and potential impacts regarding population growth and displacement are analyzed in Section 4.6 of this DEIS/SEIR.

B.7.3 LOCAL

Southern California Association of Governments (SCAG)

SCAG functions as the Metropolitan Planning Organization (MPO) for six counties (Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial), including 191 cities. The region encompasses a population exceeding 18 million residents in an area of more than 38,000 square miles. As the

⁹ US Forest Service

¹⁰ <https://aspe.hhs.gov/poverty-guidelines>

designated MPO, the Federal government mandates SCAG to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. These mandates led SCAG to prepare comprehensive regional plans to address these concerns.

The San Bernardino County Transportation Authority/San Bernardino Council of Governments is a member agency of SCAG. In 2016, the agency sponsored Senate Bill 1305 (Morrell), consolidating the agency into two entities, the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (to be known as the San Bernardino Council of Governments (SBCOG)). As of January 1, 2017, the San Bernardino Associated Governments, is known as SBCTA. Serving more than 2.1 million residents of San Bernardino County, the SBCTA is responsible for cooperative regional planning and furthering an efficient multi-modal transportation system countywide. The Cities of Highland and Redlands and the County of San Bernardino are member jurisdictions of the SBCTA. Current regional growth forecasts are included in SCAG's *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)*. SCAG's demographic data is developed to enable the proper planning of infrastructure and facilities to adequately meet the needs of the anticipated growth. Growth forecasts contained in the RTP/SCS for the County of San Bernardino, SANBAG, and the cities included in the Plan Area are used in this section in order to analyze population, housing, and employment forecasts.

City of Highland General Plan

The specific goals and policies of the *Conservation and Open Space Element* of the *City of Highland's General Plan* that are relevant to the Plan Area with respect to socioeconomics--in particular, to aggregate mining as a socioeconomic vehicle in the Plan Area--are as follows:

- Goal 5.9** Manage mineral resources and extraction policies for short and long term safety, economic and land use compatibility considerations.
- Policy 1** *Identify any significant mineral resources within the City and, as feasible, protect them from encroachment by residential or other incompatible development, for future use.*
- Policy 2** *Adopt policies and procedures for mining and processing of mineral resources.*
- Policy 3** *Develop criteria for location and operation of mineral processing to minimize adverse impacts to the environment, watersheds, wildlife, aesthetic resources, public health and safety, and adjacent land uses.*
- Policy 4** *Establish and implement Mining Reclamation Plans for any proposed mining operations in compliance with existing local, state and federal policies and statutes. Review land development proposals near resource areas or mining operations for land use compatibility.*
- Policy 5** *Require that mining plans include, but not be limited to the following:*

- Effects on terrain, natural and man-made slopes, permeability of soil, groundwater quality;
- Protection of water quality through erosion, runoff and sedimentation control;
- Protection of wildlife;
- Control of noise, dust, vibration, smoke, odors and lighting;
- Plans for rehabilitation and reclamation of lands; and
- Proposed timing of extraction and reclamation activities
- Offsite routes of travel.

Policy 6 *Investigate the adoption of a reclamation fee program designed to mitigate remaining scars from previous quarry operations.*

Policy 7 *Pursue and implement a joint-powers agreement with adjacent cities and involved agencies for the management of natural resources located in the Santa Ana River Wash.*

Policy 8 *Permit non-mining uses within the designated Open Space District only if a finding is made that no significant impacts on future regional mineral resources will result from project approval.*

City of Redlands General Plan

The specific goals and policies of the *Open Space and Conservation Element* of the *City of Redlands 1995 General Plan* that are relevant to the Plan Area with respect to socioeconomics--in particular, to aggregate mining as a socioeconomic vehicle in the Wash Area-- are as follows:

Guiding Policies: Construction Aggregates

7.42a Conserve sufficient aggregate resources to allow conversion of two 50-year supplies (approximately 2400 acres) of aggregate reserves to meet the Planning Area's contribution to future regional needs.

7.42b Manage aggregate resources to ensure that extraction results in the fewest environmental impacts. Require preparation and assured implementation of a reclamation plan for aggregate extraction sites as a condition of approval of mining.

7.42c Reserve designated MRZ areas outside the Santa Ana Wash for agricultural or urban use.

Implementing Policies: Construction Aggregates

7.42d Clearly identify mineral resource areas, those areas targeted for conversion to reserves for possible future extraction, and areawide aggregate transportation routes. Policy 7.42c above indicates areas not suitable for future extraction.

- 7.42f** Deny approval of surface mining permits at locations where unmitigated adverse impacts would be significantly greater than at alternative locations with the San Bernardino Production-Consumption Region.
- 7.42g** Make issuance of a surface mining permit conditional upon approval of a reclamation plan and financial assurances for reclamation in accord with Public Resource Code Section 2770.

County of San Bernardino General Plan

The specific goals and policies of the *Conservation Element* of the *County of San Bernardino General Plan* that are relevant to the Wash Area with respect to socioeconomics--in particular, to aggregate mining as a socioeconomic vehicle in the Plan Area-- are as follows:

- Goal CO 7** The County will protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment.

Policy CO 7.1 *In areas containing valuable mineral resources, establish and implement conditions, criteria, and standards that are designed to protect the access to, and economic use of, these resources, provided that the mineral extraction does not result in significant adverse environmental effects and that open space uses have been considered for the area once mining operations cease.*

Programs:

1. Solicit, coordinate, and acknowledge lands designated by the State Mining and Geology Board and classified by the state Geologist.
2. Incorporate the mineral classification or designation information, including maps, when they are completed by the State Mining and Geology Board and the Division of Mines and Geology, including new and updated information.
3. Recognize and protect areas within San Bernardino County that show or have proven to have significant mineral resources and protect their access.
4. Maintain and coordinate files and records to be kept with the Land Use **Services Department**.

Policy CO 7.2 *Implement the state Mineral Resource Zone (MRZ) designations to establish a system that identifies mineral potential and economically viable reserves.*

- a. MRZ-1: Adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. This designation will be applied where well-developed lines of reasoning, based

upon economic geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is nil or slight.

- b. MRZ-2: Adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists. This designation will be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- c. MRZ-3: Contains deposits whose significance cannot be evaluated from available data.
- d. MRZ-4: Available information is inadequate for assignment to any other MRZ zone.
- e. SZ: Areas containing unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance will be classified in this zone.
- f. IRA: San Bernardino County or State Division of Mines and Geology Identified Areas where adequate production and information indicates that significant minerals are present.

B.8 TRANSPORTATION SYSTEMS AND TRAFFIC REGULATIONS

B.8.1 FEDERAL

No Federal plans, policies, regulations, or laws related to transportation and circulation are applicable.

B.8.2 STATE

The California Department of Transportation (Caltrans) is responsible for planning, designing, constructing, operating, and maintaining all State-owned roadways, including those in San Bernardino County. Federal highway standards are implemented in California by Caltrans. In addition, Caltrans is responsible for permitting and regulation of the use of state roadways. The Plan Area includes one highway that falls under Caltrans' jurisdiction; State Route 210 (SR-210), which was formerly designated as State Route 30 (SR-30). Although SR-210 spans the western portion of the Plan Area, the Caltrans right-of-way/ ownership is not a part of the HCP.

Caltrans' construction practices require temporary traffic control planning during any time the normal function of a roadway is suspended. In addition, Caltrans requires that permits be obtained for transportation of oversized loads and transportation of certain materials and for construction-related traffic disturbance.

B.8.3 LOCAL

City of Highland General Plan

The specific goals and policies of the Circulation Element of the *City of Highland's General Plan* that are relevant to the Plan Area with respect to transportation systems and traffic are as follows:

Goal 3.1 Provide a comprehensive transportation system that facilitates current and long-term circulation in and through the City.

Policy 2 *Ensure that all intersections operate at LOS "D" or better during the peak hours of traffic.*

Policy 5 *Design and employ traffic control measures (e.g., install traffic signals, provide access restrictions, etc.) to ensure city streets and roads function as intended.*

Policy 10 *Encourage major employers to reduce vehicular trips by offering incentive concepts discussed in the General Plan Circulation Element, including but not limited to reduced transit passes and preferential parking for ridesharing.*

Goal 3.2 Provide a well-maintained roadway system.

Policy 5 *Develop and implement programs and policies that require additional improvements or mitigation from industries or entities that generate heavy truck traffic and pavement impacts.*

Goal 3.4 Provide a safe circulation system.

Policy 3 *Promote the principle that streets have multiple uses and users, and protect the safety of all users.*

Goal 3.6 Provide a circulation system that reduces conflicts between commercial trucking, private/public transportation and land use.

Policy 1 *Maintain designated truck routes for use by commercial trucking that link industrial and commercial activity areas with major roadways and regional transportation routes and minimize impacts on local traffic neighborhoods.*

Policy 8 *Require as a part of the development review process for all new or expanding mineral extraction and all other heavy industry activities within the City, that the following information be provided:*

- A detailed plan of haul roads, indicating measures that will be taken to minimize aesthetic, noise, traffic, and particulate emission impacts to the surrounding land uses;

- A traffic analysis that indicates both the number of projected trucks and their associated potential impact to city streets;
- A “fair-share” mitigation analysis indicating the impacts and associated maintenance costs caused by the potential generation of future truck traffic; and
- A comprehensive mitigation program, designed to run the life of the mineral extraction activity (including reclamation) that will:
 - Cover the fair-share portion of surrounding roadway maintenance costs due to the increase in local truck activity, or
 - Provide new or appropriate improvements to existing roadway facilities which in the opinion of the City would mitigate the impacts caused by the increase in local truck traffic.

Policy 9 *Work with private mining operators to establish specialized truck routes that:*

- Allow for the transport of raw and finished materials from quarries within the Santa Ana River Wash area to the Foothill Freeway on paved private haul roads;
- Reduce, to the extent feasible, the movement of mining transport trucks on City streets; and
- Mitigate, to the extent feasible, the noise, dust and vibration effects of such transport activities on surrounding land uses.

Goal 3.7 Protect and encourage bicycle travel.

Policy 5 *Provide linkages between bicycle routes and other trails, such as the Santa Ana River Trail, within the City as appropriate.*

City of Redlands General Plan

The specific goals and policies of the Circulation Element of the *City of Redlands 1995 General Plan* that are relevant to the Plan Area with respect to transportation systems and traffic are as follows:

Guiding Policy 5.20a Maintain LOS C or better as the standard at all intersections presently at LOS C or better.

Guiding Policy 5.20c Where the current level of service at a location within the City of Redlands is below the Level of Service (LOS) C standard, no development project shall be approved that cannot be mitigated so that it does not reduce the existing level of service at that location except as provided in Section 5.20b.

Implementing Policy 5.20d Design roadway improvements and evaluate development proposals based on the LOS standard prescribed in Policies 5.20a, b, and c.

Guiding Policy 5.30a	Use the Circulation Network to identify, schedule and implement roadway improvements as development occurs in the future, and as a standard against which to evaluate future development and roadway improvement plans.
<i>Implementing Policy 5.30e</i>	Levy appropriate fees on new residential and non-residential development to be used for roadway improvements in compliance with the law.
Guiding Policy 5.31a	Provide adequate capacity on arterials to meet LOS standards and to avoid traffic diversion to local streets or freeways.
<i>Implementing Policy 5.31d</i>	Maximize the carrying capacity of arterials by controlling the number of intersections and driveways, limiting residential access where applicable, and requiring sufficient on-site parking to meet the needs of the project.
Guiding Policy 5.40a	Ensure that employers implement Travel Demand Management (TDM) programs to reduce peak period trip generation.
<i>Implementing Policy 5.40e</i>	Favor TDM measures that limit vehicle use over those that extend the commute hour.
Guiding Policy 5.50a	Establish a comprehensive network of on- and off-roadway bike routes to encourage the use of bikes for both commute and recreational trips.
Guiding Policy 5.60b	Make walking interesting.

County of San Bernardino General Plan

The specific goals and policies of the Circulation and Infrastructure Element of the *County of San Bernardino General Plan* that are relevant to the Plan Area with respect to transportation systems and traffic are as follows:

Goal CI 1 The County will provide a transportation system, including public transit, which is safe, functional, and convenient; meets the public's needs; and enhances the lifestyles of County residents.

Policy CI 1.1 *The County's comprehensive transportation system will be developed according to the Circulation Policy Map (the Circulation Element Map), which outlines the ultimate multi-modal (non-motorized, highway, and transit) system to accommodate the County's mobility needs and provides the County's objectives to be achieved through coordination and cooperation between the County and the local municipalities in the County, adjacent counties and cities within those counties, Caltrans, and SANBAG.*

-
- Goal CI 4 The County will coordinate land use and transportation planning to ensure adequate transportation facilities to support planned land uses and ease congestion.
- Policy CI 4.6** *Ensure that applicants, sub-dividers and developers dedicate and improve right-of-way per County standards and contribute to their fair share of off-site mitigation.*
- Goal CI 5 The County's road standards for major thoroughfares will complement the surrounding environment appropriate to each geographic region.
- Policy CI 5.1** *Implement appropriate design standards for all types of highways as shown in Chapter 83.23 of the Development Code.*
- Policy CI 5.4** *Utilize road standards appropriate to geographic constraints and which complement the surrounding environment (see Chapter 83.23 of the Development Code).*
- Policy CI 5.5** *Public roadways should be developed consistent with the road standards as indicated in Chapter 83.23 of the Development Code.*
- Goal CI 6 The County will encourage and promote greater use of non-motorized means of personal transportation. The County will maintain and expand a system of trails for bicycles, pedestrians, and equestrians that will preserve and enhance the quality of life for residents and visitors.
- Policy CI 6.1** *Require safe and efficient pedestrian and bicycle facilities in residential, commercial, industrial and institutional developments to facilitate access to public and private facilities and to reduce vehicular trips. Install bicycle lanes and sidewalks on existing and future roadways, where appropriate and as funding is available (see Figure 211A through Figure 2-11C of the Circulation and Infrastructure Background Report).*
- Goal V/CI 1 Ensure a safe and effective transportation system that provides adequate traffic movement.
- Policy V/CI 1.1** *The County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on Major Arterials below LOS C during non-peak hours or below LOS D during peak-hours in the Valley Region.*
- Policy V/CI 1.2** *Full street improvements including paving, curbs, gutters and sidewalks shall be encouraged where necessary for public health, safety and welfare. Waiver of full road improvements in areas where parcel sizes are 1 acre or larger and where the public health, safety and welfare are not endangered may be considered. This may be accomplished by the following methods:*

- a. Require the installation of full street improvements for higher density residential (greater than 1 du/acre), commercial, industrial, and institutional developments permitting safe pedestrian access.
- b. Require road improvements consisting of paving, curbs and gutters on major, secondary highways, collector streets and for major tract developments where the density is greater than 1 dwelling unit per gross acre.
- c. Require paved road shoulders and dikes to be constructed, as necessary, on local roadways designated as “water-carrying” by the County Public Works Department for proper drainage.

B.9 VISUAL RESOURCE REGULATIONS

B.9.1 FEDERAL

Federal Land Policy and Management Act (FLPMA) of 1976

- Section 103 (c) describes natural scenic values as a resource to be managed within the multiple-use framework. “...a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including...natural scenic values”.
- Section 201(a) describes inventorying all public lands and their resources (including , but not limited to outdoor recreation and scenic values).
- Section 102(2) describes how inventories should be maintained on a continuing basis and used during the land use planning process.
- Section 102(8) describes management in a manner that will protect the quality of scenic values and provide for outdoor recreation and human occupancy and use.
- Section 202(c)(6) the Secretary shall consider the relative scarcity of the values involved.
- Section 302(b) concerning the management of use, occupancy and development, take any action necessary to prevent unnecessary and undue degradation of these lands.
- Section 505(a) requires that each ROW contains terms and conditions to minimize damage to the scenic and aesthetic values.

National Environmental Policy Act (NEPA)

- Section 101 (b) requires that measures be taken to ensure that aesthetically pleasing surroundings be retained for all Americans.
- Section 102 requires agencies to use a systematic, interdisciplinary approach to ensure the integrated use of environmental design arts in planning and decision making.

B.9.2 STATE

California Department of Transportation

The California Department of Transportation (Caltrans) defines a State Scenic Highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality. Suitability for designation as a State Scenic Highway is based on the following three visual concepts (Scenic Highway Guideline, Caltrans, 2008):

- Vividness: The extent to which the landscape is memorable. This is associated with the distinctiveness, diversity, and contrast of visual elements. A vivid landscape makes an immediate and lasting impression on the viewer.
- Intactness: The integrity of visual order in the landscape and the extent to which the natural landscape is free from visual intrusions (i.e., buildings, structures, equipment, grading).
- Unity: The extent to which development is sensitive to and in visual harmony with the natural landscape.

B.9.3 LOCAL

City of Highland General Plan

Land Use Element

Goal 2.7 Encourage natural resource and open space preservation through appropriate land use policies that recognize their value and through the conservation of areas required for the protection of public health and safety.

Policy *Preserve areas designated as Open Space to provide for recreation, preservation of scenic and environmental values, managed production of resources (agriculture, water reclamation, and conservation, mineral extraction) and protection of public safety.*

Circulation Element

Goal 3.3 Preserve and enhance uniquely scenic or special visual resource areas along appropriate routes for the enjoyment of all travelers.

Policy 1 *Designate the following roadways as Scenic Highways and establish guidelines that protect visual resources in the community and allow for the development of additional recreational opportunities:*

- Boulder Avenue
- Base Line (east of City Creek)
- Palm Avenue
- Greenspot Road

- Church Street
- Highland Avenue (east of City Creek)

Policy 2 *Attractively landscape and maintain Highland's Secondary Highways, Special Secondary Highways, Major Highways, Primary Arterials, and Modified Primary Arterials and prepare/implement distinctive streetscape improvement plans.*

Conservation and Open Space Element

Goal 5.1 Preserve, maintain and create views and vistas throughout the community to enhance the visual experience of Highland.

Policy *Incorporate view corridor planning in related development efforts and capital improvement programs.*

Preserve mature trees, natural hydrology, native plant materials and areas of visual interest.

Community Design Element

Goal 10.1 Create a unified and attractive community identity within the context of diverse neighborhoods and land uses.

Policy *Identify, preserve and enhance view corridors of major landmarks, community facilities and natural open space in the planning and design of all public and private projects.*

City of Redlands General Plan

Historic and Scenic Preservation

3.20f Encourage preservation of and public access to significant scenic vistas, viewpoints and view corridors.

Historic and Scenic Conservation Areas

3.21j Establish standards and incentives for preservation of scenic vistas.

3.21k Provide incentives and standards to encourage preservation of citrus groves.

Agricultural and Scenic Areas

3.29a Encourage preservation of citrus groves and other agricultural areas that are designated as having cultural or scenic significance. Encourage retention of existing privately owned citrus groves of all sizes, especially in historic neighborhoods.

3.29b Identify existing agricultural areas, scenic views, vistas, and streetscapes, including mountain, canyon, and valley vistas, urban view corridors, focal points and focal buildings.

- 3.29c** Define and implement measures to preserve citrus groves, scenic views, vistas, and streetscapes for the community.

County of San Bernardino General Plan

Conservation Element

- Goal CO 1 The County will maintain to the greatest extent possible natural resources that contribute to the quality of life within the County.

CO 1.2 The preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas. The County will continue the review of the Land Use Designations for unincorporated areas within one mile of any state or federally designated scenic area, national forest, national monument, or similar area, to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas.

M/CO 1.1 Encourage protection of natural features and scenic vistas by using the Special Development (SD) District or Zone to implement Planned Development and Planned Residential Development concepts.

M/CO 1.2 Protect scenic vistas by minimizing ridgeline development that would substantially detract from the scenic quality of major ridgeline viewsheds.

M/CO 1.7 Encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation, soils and wildlife. Require the planting of native or drought-tolerant cultivar species, capable of surviving the mountain environment and climate.

M/CO 2.3 Require the re-vegetation of any graded surface with suitable native drought and fire resistant planting to minimize erosion.

M/CO 2.7 Through the development review process, require replanting of ground cover in denuded areas with vegetation, either indigenous to the area or compatible with the montane climate and soil characteristics.

M/CO 2.8 When feasible, require developers through the development review process to substantially maintain existing percolation and surface water runoff on site.

- Goal M/CO 5 Preserve the dark night sky as a natural resource in the Mountain Region communities.

M/CO 5.1 Protect the Night Sky by providing information about and enforcing existing ordinances.

- M/CO 5.2** Provide information about the Night Sky ordinance and lighting restrictions with each land use or building permit application.
- M/CO 5.3** Review exterior lighting as part of the design review process.
- M/CO 5.4** All outdoor lighting, including street lighting, shall be provided in accordance with the Night Sky Protection Ordinance and shall only be provided as necessary to meet safety standards.

Goal OS 4 The County will preserve and protect cultural resources throughout the County, including parks, areas of regional significance, and scenic, cultural and historic sites that contribute to a distinctive visual experience for visitors and quality of life for County residents.

B.10 CULTURAL RESOURCES REGULATIONS

B.10.1 FEDERAL

Section 106 for the National Historic Preservation Act (NHPA) of 1966

Federal regulations for cultural resources are governed primarily by Section 106 of the NHPA of 1966. Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties," are found in 36 Code of Federal Regulations (CFR) §800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in 36 CFR 60. Amendments to the Act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, projects by private developers and landowners that do not require a federal permit or funding are not required to comply with Section 106. However, if a private sector project requires a federal permit or if it uses federal money then compliance with Section 106 is required.

National Register of Historic Places (NRHP)

The NRHP is "an authoritative guide to be used by Federal, State, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment." However, the Federal regulations explicitly provide that a listing of private property on the NRHP "does not prohibit under federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property."

"Historic properties," as defined by the Advisory Council on Historic Preservation, include any "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in,

the NRHP maintained by the Secretary of the Interior” (36 CFR §800.16(l)). Eligibility for inclusion in the NRHP is determined by applying the following criteria, developed by the National Park Service in accordance with the NHPA:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. that are associated with events that have made a significant contribution to the broad patterns of our history; or
2. that are associated with the lives of persons significant in our past; or
3. that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. that have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

Native American Graves Protection and Repatriation Act (NAGPRA) of 1990

The NAGPRA describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. The purpose is to determine “the ownership or control of Native American cultural items which are excavated or discovered on Federal tribal lands after November 16, 1990” [25 U.S.C. 3002(a)].

B.10.2 STATE

California Environmental Quality Act (CEQA)

State historic preservation regulations affecting the project include the statutes and guidelines contained in the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §20183.2 and §21084.1 and §15064.5 of State CEQA Guidelines). CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. An “historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript, which is historically or archaeologically significant (PRC §5020.1). Section 15064.5 of the State CEQA Guidelines specifies criteria for evaluating the significance or importance of cultural resources, including:

- The resource is associated with events that have made a contribution to the broad patterns of California history;
- The resource is associated with the lives of important persons from our past;

- The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
- The resource has yielded, or may be likely to yield, important information in prehistory or history.

Advice on procedures to identify such resources, evaluate their importance and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associates and societies be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

Senate Bill 18

California Senate Bill (SB) 18, effective September 2004, requires local government to notify and consult with California Native American tribes when the local government is considering adoption or amendment of a general or specific plan. Prior to adoption of a specific plan, a local government must refer the proposed action to those tribes that are on the Native American Heritage Commission contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period as per Government Code §65453.

Assembly Bill 52

Assembly Bill 52, effective July 2015, Section 1 of the bill states the legislature's intent as follows: In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of the Legislature, in enacting this act, to accomplish all of the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in the California Environmental Quality Act called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a

sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.

5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the California Environmental identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.
6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in the CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
9. Establish that a substantial adverse change to tribal cultural resources has a significant effect on the environment.

California Register of Historical Resources (CRHR)

In 1992, the Governor signed Assembly Bill (AB) 2881 into law, establishing the California Register of Historical Resources (CRHR). The CRHR is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility for the CRHR are based upon NRHP criteria. Certain resources are determined by the statute to be included on the CRHR, including California properties formally determined eligible for, or listed in, the NRHP, State Landmarks, and State Points of Interest.

The State Office of Historic Preservation (OHP) has broad authority under Federal and State law for the implementation of historic preservation programs in the State of California. The State Historic Preservation Officer (SHPO) makes determinations of eligibility for listing on the NRHP and the CRHR.

For a property to be eligible for inclusion on the California Register, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.;
2. It is associated with the lives of persons important to local, California, or U.S. history;

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

The appropriate standard for evaluating "substantial adverse effect" is defined in PRC §5020.1(q) and 21084.1. Substantial adverse change means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired. Such impairment of significance would be an adverse impact on the environment.

Cultural resources consist of buildings, structures, objects, or archeological sites. Each of these entities may have historic, architectural, archaeological, cultural, or scientific importance. Under State CEQA Guidelines, a significant impact would result if the significance of a cultural resource would be changed by project activities. Activities that could potentially result in a significant impact consist of demolition, replacement, substantial alteration, and relocation of the resource. The significance of a resource is required to be determined prior to analysis of the level of significance of project activities. The steps required to be implemented to determine significance in order to comply with State CEQA Guidelines are:

- Identify cultural resources;
- Evaluate the significance of the cultural resources based on established thresholds of significance;
- Evaluate the effects of a project on all cultural resources; and
- Develop and implement measures to mitigate the effects of the project on significant cultural resources.

Sections 6253, 6254, and 6254.10 of the California Code authorize State agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (CPRA; Government Code [GC] §6250 et. seq.) and California's open meeting laws (The Brown Act, GC §54950 et. seq.) protect the confidentiality of Native American cultural place information. The CPRA (as amended, 2005) contains two exemptions that aid in the protection of records relating to Native American cultural places by permitting any state or local agency to deny a CPRA request and withhold from public disclosure:

- “records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in §5097.9 and §5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency” (GC §6254(r)); and
- “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency” (GC §6254.10).

Likewise, the Information Centers of the California Historical Resources Information System (CHRIS) maintained by the OHP prohibit public dissemination of records and site location information. In compliance with these requirements, and those of the Code of Ethics of the Society for California Archaeology and the Register of Professional Archaeologists, the locations of cultural resources are considered restricted information with highly restricted distribution and are not publicly accessible.

Any project site located on non-Federal land in California is also required to comply with State laws pertaining to the inadvertent discovery of Native American human remains.

California Health and Safety Code §7050.5, §7051, AND §7054

California Health and Safety Code §7050.5, §7051, and §7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

B.10.3 LOCAL

City of Highland General Plan

Conservation and Open Space Element

Goal 5.8 Protect, document and minimize disruption of sites that have archaeological significance.

Policy 1 *Avoid significant impacts in all new developments within areas determined to be archaeologically sensitive through the following measures:*

- Conduct an archaeological records search with the Archaeological Information Center in order to identify potential on-site sensitivities;
- In cooperation with a qualified archaeologist, develop mitigation measures for projects found to be located in or near sensitive areas or sites; and

- Require that environmental review be conducted for all applications within the area designated as archaeologically sensitive, including but not limited to grading, earth moving and stockpiling, and building and demolition permits.

Policy 2 *Include the following statement as a condition of approval on all development projects:*

“If cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist shall be retained by the project sponsor to investigate the find, and to make recommendations on its disposition. If human remains are encountered during construction, all work shall cease and the San Bernardino County Coroner’s Office shall be contacted pursuant to Health and Safety Code provisions.”

Policy 3 *Coordinate with the San Manuel Band of Mission Indians when proposals for development projects are filed within the Areas of Sensitivity for Archaeological Resources (illustrated in Figure 5.2) through the following actions:*

- Notify the San Manuel Band of Mission Indians via notification mailings about proposed projects in archaeologically sensitive areas; and
- Invite comments and suggestions to be forwarded to City staff and appropriate decision makers to aid the preservation and development review processes.

Goal 10.9 Support and strengthen public and private efforts to preserve historic structures and neighborhoods.

Policy 1 *Encourage restoration and preservation of existing historic residences, buildings and neighborhoods that reflect the architectural character and streetscape patterns of early Highland.*

Policy 2 *Assist eligible property owners to use federal and state incentives for the restoration and maintenance of historic properties, such as the State of California’s Mills Act, which allows for a reduction in property taxes for qualified owners.*

Policy 3 *Develop a clear pedestrian and vehicular connection between the City’s emerging Town Center and the existing Historic District.*

Policy 4 *Design and incorporate entry signs, informational plaques, streetscape improvements and other edge and boundary treatments at points of entry into the district and at other points of interest.*

Policy 5 *Update the design guidelines pamphlet for rehabilitation, remodeling and new construction within the historic district.*

Policy 6 *Review and enhance the City’s community outreach program for historic preservation through links on the City’s webpage, incentive programs for property owners, sponsorship of community events and other efforts.*

Policy 7 *Link the City’s agricultural past to its current preservation efforts.*

City of Redlands General Plan

City Design and Preservation Element

Policy 3.21a *Designate Historic and Scenic Districts and Urban Conservation Districts whenever areas are qualified and supported by a significant majority of the property owners.*

Policy 3.21b *Establish priorities for protection of potential districts based on both significance and endangerment. Seek to establish support of property owners in high priority areas.*

Policy 3.21c *Establish zoning regulations that implement Historic and Scenic Preservation polices.*

Policy 3.21d *Provide incentives to encourage preservation of large historic structures and conversion to multi family housing if preservation of original use is an economic hardship.*

Policy 3.21e *Establish guidelines and incentives for appropriate adaptive re use of historic structures.*

Policy 3.21f *Encourage the location of needed parking in interiors of blocks to minimize visual impact on streetscape and neighborhoods.*

Policy 3.21g *Limit parking area coverage and size of parking structures in order to maintain special qualities of streetscape.*

Policy 3.21h *Establish design guidelines for parking lots and structures that reduce visual impacts on neighborhood and streetscape.*

Policy 3.21i *Establish lot sizes for infill development that relate to existing lot sizes nearby.*

Policy 3.21j *Establish standards and incentives for preservation of scenic vistas.*

Policy 3.21k *Provide incentives and standards to encourage preservation of citrus groves.*

Policy 3.21l *Recognize and mitigate the ill effects of the following historic areas:*

- Inappropriate commercial development;
- Inappropriate scale, materials, setbacks and landscaping;
- Interruption of the established street pattern;
- Inadequate off street parking, where development of off street parking does not cause loss of historic buildings;

- Excessive automobile traffic.

Policy 3.21m *Encourage neighborhood groups to be actively involved in preservation.*

Policy 3.21n *Promote neighborhood organization and identity and foster neighborhood conservation programs, giving special attention to transitional areas next to commercial areas.*

Policy 3.21o *Pursue policies of street management to control traffic in such areas, because historic areas are especially vulnerable when threatened by too much traffic.*

Policy 3.21p *Where feasible, retain existing easements and rights of way for use as view points, turn outs, and scenic walkways.*

Open Space and Conservation Element

Policy 7.30a *Protect archaeological and paleontological resources for their aesthetic, scientific, educational, and cultural values.*

Policy 7.30b *Using the Archaeological Resource University Map, review proposed development projects to determine whether the site contains known prehistoric or historic cultural resources and/or to determine the potential for discovery of additional cultural resources; refer all applications affecting sensitive areas to the Archaeological Information Center for further study.*

Policy 7.30c *Require that applicants for projects identified by the Archaeological Information Center as potentially affecting sensitive resource sites hire a consulting archaeologist to develop and archaeological resource mitigation plan; monitor the project to ensure that mitigation measures are implemented.*

Policy 7.30d *Require that areas found during construction to contain significant historic or prehistoric archaeological artifacts to be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation.*

Policy 7.30e *For projects involving Federal land, or requiring Federal permission or funding, ensure that applicants meet stricter criteria for archaeological resource review, prior to commencement of work.*

Policy 7.30f *Work with the San Bernardino County Museum to identify and protect Redlands' significant nonrenewable paleontologic resources.*

County of San Bernardino General Plan

Conservation Element

Goal CO 3 The County will preserve and promote its historic and prehistoric cultural heritage.

Policy CO 3.1 *Identify and protect important archaeological and historic cultural resources in areas of the County that have been determined to have known cultural resource sensitivity.*

Programs:

1. Require a cultural resources field survey and evaluation prepared by a qualified professional for projects located within the mapped Cultural Resource Overlay area.
2. Mitigation of impacts to important cultural resources will follow the standards established in Appendix K of the California Environmental Quality Act Guidelines, as amended to date.

Policy CO 3.2 *Identify and protect important archaeological and historic cultural resources in all lands that involves disturbance of previously undisturbed ground.*

Programs:

1. Require the Archaeological Information Center at the San Bernardino County Museum to conduct a preliminary cultural resource review prior to the County's application acceptance for all land use applications in planning regions lacking Cultural Resource Overlays and in lands located outside of planning regions.
2. Should the County's preliminary review indicate the presence of known cultural resources or moderate to high sensitivity for the potential presence of cultural resources, a field survey and evaluation prepared by a qualified professional will be required with project submittal. The format of the report and standards for evaluation will follow the "Guidelines for Cultural Resource Management Reports" on file with the San Bernardino County Land Use Services Department.

Policy CO 3.3 *Establish programs to preserve the information and heritage value of cultural and historical resources.*

Policy CO 3.4 *The County will comply with Government Code Section 65352.2 (SB 18) by consulting with tribes as identified by the California Native American Heritage Commission on all General Plan and specific plan actions*

Programs:

1. Site record forms and reports of surveys, test excavations, and data recovery programs will be filed with the Archaeological Information Center at the San Bernardino County Museum, and will be reviewed and approved in consultation with that office.

- a. Preliminary reports verifying that all necessary archaeological or historical fieldwork has been completed will be required prior to project grading and/or building permits.
 - b. Final reports will be submitted and approved prior to project occupancy permits.
2. Any artifacts collected or recovered as a result of cultural resource investigations will be catalogued per County Museum guidelines and adequately curated in an institution with appropriate staff and facilities for their scientific information potential to be preserved. This shall not preclude the local tribes from seeking the return of certain artifacts as agreed to in a consultation process with the developer/project archaeologist.
 3. When avoidance or preservation of an archaeological site or historic structure is proposed as a form of mitigation, a program detailing how such long-term avoidance or preservation is assured will be developed and approved prior to conditional approval.
 4. In areas of potential but unknown sensitivity, field surveys prior to grading will be required to establish the need for paleontologic monitoring.
 5. Projects requiring grading plans that are located in areas of known fossil occurrences, or demonstrated in a field survey to have fossils present, will have all rough grading (cuts greater than 3 feet) monitored by trained paleontologic crews working under the direction of a qualified professional, so that fossils exposed during grading can be recovered and preserved. Fossils include large and small vertebrate fossils, the latter recovered by screen washing of bulk samples.
 6. A report of findings with an itemized accession inventory will be prepared as evidence that monitoring has been successfully completed. A preliminary report will be submitted and approved prior to granting of building permits, and a final report will be submitted and approved prior to granting of occupancy permits. The adequacy of paleontologic reports will be determined in consultation with the Curator of Earth Science, San Bernardino County Museum.

Policy CO 3.5 *Ensure that important cultural resources are avoided or minimized to protect Native American beliefs and traditions.*

Programs:

1. Consistent with SB 18, as well as possible mitigation measures identified through the CEQA process, the County will work and consult with local tribes to identify, protect and preserve “traditional cultural properties” (TCPs). TCPs include both manmade sites and resources as well as natural landscapes that contribute to the cultural significance of areas.

2. The County will protect confidential information concerning Native American cultural resources with internal procedures, per the requirements of SB 922, an addendum to SB 18. The purpose of SB 922 is to exempt cultural site information from public review as provided for in the Public Records Act. Information provided by tribes to the County shall be considered confidential or sacred.
3. The County will work in good faith with the local tribes, developers/applicants and other parties if the local affected tribes request the return of certain Native American artifacts from private development projects. The developer is expected to act in good faith when considering the local tribe's request for artifacts. Artifacts not desired by the local tribe will be placed in a qualified repository as established by the California State Historical Resources Commission. If no facility is available, then all artifacts will be donated to the local tribe.
4. The County will work with the developer of any "gated community" to ensure that the Native Americans are allowed future access, under reasonable conditions, to view and/or visit known sites within the "gated community." If a site is identified within a gated community project, and preferably preserved as open space, the development will be conditioned by the County allow future access to Native Americans to view and/or visit that site.
5. Because contemporary Native Americans have expressed concern over the handling of the remains of their ancestors, particularly with respect to archaeological sites containing human burials or cremations, artifacts of ceremonial or spiritual significance, and rock art, the following actions will be taken when decisions are made regarding the disposition of archaeological sites that are the result of prehistoric or historic Native American cultural activity:
 - a. The Native American Heritage Commission and local reservation, museum, and other concerned Native American leaders will be notified in writing of any proposed evaluation or mitigation activities that involve excavation of Native American archaeological sites, and their comments and concerns solicited.
 - b. The concerns of the Native American community will be fully considered in the planning process.
 - c. If human remains are encountered during grading and other construction excavation, work in the immediate vicinity will cease and the County Coroner will be contacted pursuant to the state Health and Safety Code.
 - d. In the event that Native American cultural resources are discovered during project development and/or construction, all work in the immediate vicinity of the find will cease and a qualified archaeologist meeting U.S. Secretary of Interior standards will be hired to assess the find. Work on the overall project may continue during this assessment period.

- e. If Native American cultural resources are discovered, the County will contact the local tribe. If requested by the tribe, the County will, in good faith, consult on the discovery and its disposition with the tribe.

B.11 NOISE REGULATIONS

B.11.1 FEDERAL

In 1972, Congress enacted the Noise Control Act. This act authorized the EPA to publish descriptive data on the effects of noise and establish levels of sound “requisite to protect the public welfare with an adequate margin of safety.” These levels are separated into health (hearing loss levels) and welfare (annoyance levels), as shown in Table H.11-1. The EPA cautions that these identified levels are not standards because they do not take into account the cost or feasibility of maintaining these levels.

Table B.11-1: Summary of EPA Noise Levels for Public Protection

Effect	Level	Area
Hearing loss	$L_{eq}(24) < 70$ dB	All areas
Outdoor activity interference and annoyance	$L_{dn} < 55$ dB	Outdoors in residential areas, farms, other outdoor areas where people spend widely varying amounts of time, and other places in which quiet in a basis for use.
	$L_{eq}(24) < 55$ dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	$L_{eq} < 45$ dB	Indoor residential areas.
	$L_{eq}(24) < 45$ dB	Other indoor areas with human activities such as schools, etc.

(24) = 24-hour exposure L_{eq} = equivalent continuous sound level
dB = decibels L_{dn} = day-night average noise level

Source: “Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety”
United States Environmental Protection Agency

For protection against hearing loss, 96 percent of the population would be protected if sound levels are less than or equal to L_{eq} (24) of 70 dBA. The “(24)” signifies a L_{eq} duration of 24 hours. The EPA activity and interference guidelines are designed to ensure reliable speech communication at approximately 5 feet in the outdoor environment. For outdoor and indoor environments, interference with activity and annoyance should not occur if levels are below 55 dBA and 45 dBA, respectively.

The noise effects associated with an outdoor L_{dn} of 55 dBA are summarized in Table H.11-2. At 55 dBA L_{dn} , 95 percent sentence clarity (intelligibility) may be expected at 11 feet, and no community reaction. However, 1 percent of the population may complain about noise at this level, and 17 percent may indicate annoyance.

Table B.11-2: Summary of Human Effects in Areas Exposed to 55 dBA Ldn

Type of Effects	Magnitude of Effect
Speech – Indoors	100 percent sentence intelligibility (average) with a 5 dB margin of safety.
Speech – Outdoors	100 percent sentence intelligibility (average) at 0.35 meters. 99 percent sentence intelligibility (average) at 1.0 meters. 95 percent sentence intelligibility (average) at 3.5 meters.
Average Community Reaction	None evident; 7 dB below level of significant complaints and threats of legal action, and at least 16 dB below “vigorous action.”
Complaints	1 percent dependent on attitude and other non-level related factors.
Annoyance	17 percent dependent on attitude and other non-level related factors.
Attitude Towards Area	Noise essentially the least important of various factors.

dB = decibels

dBA = A-weighted decibels

L_{dn} = day-night average noise level

Source: “Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety”
United States Environmental Protection Agency

B.11.2 STATE

California Government Code

California Government Code Section 65302 (f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 Community Noise Equivalent Level (CNEL) and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

B.11.3 LOCAL

City of Highland General Plan

Noise Element

Goal 7.1 Protect sensitive land uses and the citizens of Highland from annoying and excessive noise through diligent planning and regulation.

Policy 1 *Enforce the City’s Noise Control Ordinance consistent with health and quality of life goals and employ effective techniques of noise abatement through such means as a noise ordinance, building codes and subdivision and zoning regulations.*

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- Policy 2** *Encourage the use of site planning and architectural techniques such as alternative building orientation and walls combined with landscaping to mitigate noise to levels consistent with interior and exterior noise standards.*
- Policy 3** *Require mitigation where sensitive uses are to be placed along transportation routes to ensure compliance with interior and exterior noise standards.*
- Policy 4** *Consider the compatibility of proposed land uses with the noise environment when preparing, revising or reviewing development proposals.*
- Policy 5** *Prevent the siting of sensitive uses in areas in excess of established 65 dBA CNEL without appropriate mitigation. Special attention should be paid to potential development within the 65 dBA CNEL noise contour of the San Bernardino International Airport and mining operations of the Santa Ana River.*
- Policy 6** *Work with San Bernardino International Airport Authority to ensure that future airport planning activities encourage consistency with adopted City land use plans and minimize impacts on Highland's economic development opportunities and quality of life.*
- Policy 7** *Require that site-specific noise studies be conducted by a qualified acoustic consultant utilizing acceptable methodologies while reviewing the development of sensitive land uses or development that has the potential to impact sensitive land uses. Also require a site-specific noise study if the proposed development could potentially violate the noise provisions of the General Plan or City ordinance.*
- Goal 7.2 Encourage the reduction of noise from transportation-related noise sources such as automobile and truck traffic.
- Policy 1** *Guide the location and design of transportation facilities to minimize the exposure of noise on noise-sensitive land uses.*
- Policy 2** *Employ noise mitigation practices, as necessary, when designing future streets and highways, and when improvements occur along existing road segments. Mitigation measures should emphasize the establishment of natural buffers or setbacks between the arterial roadways and adjoining noise-sensitive areas.*
- Policy 3** *Require that development generating increased traffic and subsequent increases in the ambient noise level adjacent to noise-sensitive land uses provide appropriate mitigation measures.*
- Policy 4** *Minimize truck traffic through residential neighborhoods.*
- Policy 5** *Encourage the development of alternative transportation modes such as bicycle paths and pedestrian walkways to minimize the number of automobile trips and noise.*

- Goal 7.3 Protect residents from the effects of “spill over” or nuisance noise.
- Policy 1** *Enforce the City’s Noise Control Ordinance so that new projects located in commercial or entertainment areas do not exceed stationary-source noise standards at the property line of proximate residential or commercial uses, as appropriate.*
- Policy 2** *Prohibit new industrial uses from exceeding commercial or residential stationary-source noise standards at the most proximate land uses, as appropriate. (Industrial noise may spill over to proximate industrial uses so long as the combined noise does not exceed the appropriate industrial standards.)*
- Policy 3** *Require that construction activities employ feasible and practical techniques to minimize noise impacts on adjacent uses. Particular emphasis shall be placed on the restriction of hours in which work other than emergency work may occur.*
- Policy 4** *Require that the hours of truck deliveries to commercial properties abutting residential uses be limited unless there is no feasible alternative or there are overriding transportation benefits by scheduling deliveries at another hour.*
- Policy 5** *Ensure that buildings are constructed to prevent adverse noise transmission between differing uses located in the same structure and individual residences in multi-family buildings.*

City of Redlands General Plan

Noise Element

Guiding Policies: Noise

- 9.0a Protect public health and welfare by eliminating existing noise problems where feasible and by preventing significant degradation of the future acoustic environment.
- 9.0b Incorporate noise considerations into land use planning decisions.
- 9.0c Support measures to reduce noise emissions by motor vehicles, aircraft, and trains.
- 9.0d Adopt and enforce a Community Noise Ordinance to control non-transportation noise impacts.

Implementing Policies: Noise

In addition to the provisions of the following sections 9.0e through 9.0z, it is the policy of the City of Redlands that no land use adjacent to existing residential land shall generate noise in excess of the residential CNEL levels specified in Table 9.1 and Table 9.2 (in General Plan) of this Noise Element unless appropriate mitigation measures are imposed to reduce the noise level on adjacent residential property to the standards set forth in Tables 9.1 and 9.2.

- 9.0e** Use the criteria specified in GP Table 9.1 to assess the compatibility of proposed land uses with the projected noise environment, and apply the noise standards in GP Table 9.2, which prescribe interior and exterior noise standards in relation to specific land uses. Do not approve projects that would not comply with the standards in GP Table 9.2.
- 9.0f** Require a noise impact evaluation based on noise measurements at the site for all projects in Noise Referral Zones (B, C, or D) as shown on GP Table 9.1 and on GP Figure 9.1 or as determined from tables in the Appendix, as part of the project review process. Should measurements indicate that unacceptable noise levels will be created or experienced, require mitigation measures based on a detailed technical study prepared by a qualified acoustical engineer (i.e., a Registered Professional Engineer in the State of California with a minimum of three years experience in acoustics).
- 9.0g** Consider establishing a periodic noise monitoring program to identify progress in achieving noise abatement objectives and to perform necessary updating of the Noise Element and community noise standards. The California Department of Health Services recommended that noise elements be updated every five years.
- 9.0h** Minimize potential transportation noise through proper design of street circulation, coordination of routing, and other traffic control measures.
- 9.0i** Require construction of barriers to mitigate sound emissions where necessary or where feasible, and encourage use of walls and berms to protect residential or other noise sensitive land uses that are adjacent to major roads, commercial, or industrial areas.
- 9.0j** Require the inclusion of noise mitigation measures in the design of new roadway projects.
- 9.0k** Ensure the effective enforcement of City, State and federal noise levels by all appropriate City departments.
- 9.0l** Adopt and enforce a new Community Noise Ordinance to mitigate noise conflicts between adjacent land uses, to ensure that City residents are not exposed to excessive noise levels from existing and new stationary noise sources, and to educate the public regarding noise issues.
- 9.0m** Designate one agency or department in the City to act as the noise control coordinator, to ensure the continued operation of the City's noise enforcement efforts, and to establish and maintain coordination among the City agencies involved in noise abatement.

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- 9.0n** Ensure the effective enforcement of City, State, and federal noise levels by all appropriate City departments and provide quick response to complaints and rapid abatement of noise nuisances within the scope of the City's police power.
- 9.0o** Establish noise guidelines for City purchasing policy to take advantage of federal regulations and labeling requirements.
- 9.0p** Coordinate with the California Occupational Safety and Health Administration (Cal-OSHA) to provide information on and enforcement of occupational noise requirements within the City.
- 9.0q** Provide for continued evaluation of truck movements in the City to provide effective separation from residential or other noise sensitive land uses.
- 9.0r** Encourage the enforcement of State Motor Vehicle noise standards for cars, trucks, and motorcycles through coordination with the California Highway Patrol and Redlands Police Department.
- 9.0s** Require mitigation to ensure that indoor noise levels for residential living spaces not exceed 45 dB LDN/CNEL due to the combined effect of all exterior noise sources.
- 9.0t** Require proposed commercial projects near existing residential land use to demonstrate compliance with the Community Noise Ordinance prior to approval of the project.
- 9.0u** Require all new residential projects or replacement dwellings to be constructed near existing sources of non-transportation noise (including but not limited to commercial facilities or public parks with sports activities) to demonstrate via an acoustical study conducted by a Registered Engineer that the indoor noise levels will be consistent with the limits contained in the Community Noise Ordinance.
- 9.0v** Consider the following impacts as possibly "significant":
- An increase in exposure of four or more dB if the resulting noise level would exceed that described as clearly compatible for the affected land use, as established in GP Table 9.1 and GP Table 9.2;
- Any increase of six dB or more, due to the potential for adverse community response.
- 9.0w** Limit hours for all construction or demolition work where site-related noise is audible beyond the site boundary.
- 9.0x** Work with Caltrans to establish sound walls along freeways where appropriate.

- 9.0y** Minimize impacts of loud trucks by requiring that maximum noise levels due to single events be controlled to 50 dB in bedrooms and 55 dB in other habitable spaces.
- 9.0z** Coordinate with the San Bernardino International Airport Authority to minimize potential noise impacts to the City of Redlands which may result from overflights as specific airport operations and flight patterns are established.

B.12 HAZARDS REGULATIONS

B.12.1 FEDERAL

Comprehensive Environmental Response, Compensation, and Liability Act

Discovery of environmental health damage from disposal sites prompted the U.S. Congress to pass the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that could endanger public health or the environment. The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities.

Superfund Amendments and Reauthorization Act

The Superfund Amendments and Reauthorization Act (SARA) pertains primarily to emergency management of accidental releases. It requires formation of State and local emergency planning committees, which are responsible for collecting material handling and transportation data for use as a basis for planning. Chemical inventory data are made available to the community at large consistent with the “right-to-know” provision of the law. In addition, SARA also requires annual reporting of continuous emissions and accidental releases of specified compounds. These annual submissions are compiled into a nationwide Toxics Release Inventory (TRI).

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 is the major transportation-related statute affecting transportation of hazardous cargoes. Its objective, according to the policy stated by Congress, is:

To improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce.

Regulations apply to “any person who transports, or causes to be transported or shipped, a hazardous material; or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or

container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials.”

Enforcement of the Hazardous Materials Transportation Act is shared by each of the following administrations pursuant to delegations from the Secretary of the U.S. Department of Transportation:

- Research and Special Programs Administration, which is responsible for container manufacturers, re-conditioners, and re-testers and shares authority over shippers of hazardous materials;
- Federal Highway Administration, which enforces all regulations pertaining to motor carriers;
- Federal Railroad Administration, which enforces all regulations pertaining to rail carriers;
- Federal Aviation Administration, which enforces all regulations pertaining to air carriers; and
- Coast Guard, which enforces all regulations pertaining to shipments by water.

Resource Conservation and Recovery Act

The RCRA Subtitle C addresses hazardous waste generation, handling, transportation, storage, treatment, and disposal. It includes requirements for a system that uses hazardous waste manifests to track the movement of waste from its site of generation to its ultimate disposition. The 1984 amendments to RCRA created a national priority for waste minimization. Subtitle D establishes national minimum requirements for solid waste disposal sites and practices. It requires states to develop plans for the management of wastes within their jurisdictions. Subtitle I requires monitoring and containment systems for underground storage tanks that hold hazardous materials. Owners of tanks must demonstrate financial assurance for the cleanup of a potential leaking tank.

Federal Aviation Administration

The Federal Aviation Administration (FAA) establishes land use criteria around airports. Advisory Circular 150/5300-13, *Airport Design*, contains its standards and recommendations for airport design, such as airport geometry and runway and taxiway design. It describes the runway protection zone and imaginary surfaces (primary, approach, and transitional surfaces). In addition, Federal Aviation Regulation, Part 77, establishes a series of imaginary surfaces in the airspace surrounding a runway helicopter landing area.

Oil Pollution Prevention

40 Code of Federal Regulations (CFR) Part 112 is an oil pollution prevention regulation aimed to inhibit oil discharges from contacting navigable waters of the US or adjoining shorelines.

B.12.2 STATE

The California Hazardous Waste Control Law

The Hazardous Waste Control Law is the primary hazardous waste statute in the State of California and it implements the Resource Conservation and Recovery Act (RCRA), which is discussed later in this

subsection. The RCRA is a “cradle-to-grave” waste management system in the State of California and specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure their proper management. The Hazardous Waste Control Law also establishes criteria for the reuse and recycling of hazardous wastes used or reused as raw materials. It exceeds Federal requirements by mandating source reduction planning and a much broader requirement for permitting facilities that treat hazardous waste. The Hazardous Waste Control Law also regulates a number of types of wastes and waste management activities that are not covered by Federal law with the RCRA.

California Code of Regulations

Most State and Federal regulations and requirements that apply to generators of hazardous waste are spelled out in the California Code of Regulations, Title 22, Division 4.5. Title 22 contains the detailed compliance requirements for hazardous waste generators; transporters; and treatment, storage, and disposal facilities. Because California is a fully authorized State according to the RCRA, most RCRA regulations (those contained in 40 Code of Federal Regulations [CFR] 260 et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the U.S. Environmental Protection Agency (EPA), the integration of California and Federal hazardous waste regulations that make up Title 22 do not contain as many exemptions or exclusions as does 40 CFR 260. Title 22 also regulates a wider range of waste types and waste management activities than do the RCRA regulations in 40 CFR 260. To aid the regulated community, California compiled the hazardous materials, waste and toxics-related regulations contained in CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24, and 27 into one consolidated CCR Title 26 “Toxics.” However, the California hazardous waste regulations are still commonly referred to as Title 22.

California Emergency Services Act

Government Code §§ 8550–8692 provide for the assignment of functions to be performed by various agencies during an emergency so that the most effective use may be made of all manpower, resources, and facilities for dealing with any emergency. The coordination of all emergency services is recognized by the State to mitigate the effects of natural, man-made, or war-caused emergencies that could result in conditions of disaster or extreme peril to life, property, and the resources of the State, and generally to protect the health and safety and preserve the lives and property of the people of the State.

California Airport Land Use Planning Handbook

The California Department of Transportation, Division of Aviation has developed and published the *California Airport Land Use Planning Handbook*. Providing compatibility planning guidance to airport land use commissions, the *California Airport Land Use Planning Handbook* is a guidance document, according to Public Resources Code § 21096, and its recommendations are not binding but simply guidance that should be used as a reference, along with other documents.

California Health and Safety Code

Chapter 6.5 of the California Health and Safety Code (§§ 25100 through 25250) contains requirements for the handling and transportation of hazardous wastes. The requirements include manifesting procedures and registration requirements for persons transporting hazardous wastes.

California 2015 Vehicle Code

The California *2015 Vehicle Code* contains requirements for the transportation of hazardous spill containment and abatement of hazardous substances procedures. Table B.12-1 lists some examples of sections.

Table B.12-1: Examples for Hazardous Materials Sections in 2015 Vehicle Code

Section	Title
Division 2, Chapter 2, Article 4	Highway Spill Containment and Abatement of Hazardous Substances
Division 2, Chapter 2.5, Article 4	Transportation of Hazardous Material
Division 13, Chapter 5, Article 1	Hazardous Materials
Division 14.1	Transportation of Hazardous Material

California Fire Plan

The *California Fire Plan*, is a cooperative effort between the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection, is a plan for reducing the risk of wildfire. Its basic tenets include the following:

- Defines a level of service measurement;
- Considers assets at risk;
- Incorporates the cooperative interdependent relationships of wildland fire protection providers;
- Provides for public stakeholder involvement; and
- Creates a fiscal framework for policy analysis.

B.12.3 LOCAL

City of Highland General Plan

The Public Health and Safety Element of the *City of Highland General Plan* contains the following goals and policies which are relevant to hazards and hazardous materials.

Goal 6.4 Protect life and property from the potential short- and long-term risks of transporting, storing, treating, and disposing of hazardous materials and wastes in the City.

Policy 1 *Ensure compliance with current Federal, State, and local regulations governing hazardous materials transport, storage, treatment, and disposal by working with appropriate agencies.*

Policy 2 *Require that new facilities involved in the production, use, storage, transport or disposal of hazardous materials locate a safe distance from land uses that may be adversely*

impacted by such activities. Conversely, do not allow new sensitive facilities, such as schools, child-care centers, and senior centers, to be located near existing sites that use, store or generate hazardous materials.

Policy 3 *Identify City roadways along which hazardous materials are routinely transported. If essential facilities, such as schools, hospitals, child care centers or other facilities with special evacuation needs are located along these routes, identify emergency response plans that these facilities can implement in the event of an unauthorized release of hazardous materials in their area.*

Policy 4 *Provide information to the public on regulations that address the transport, storage, treatment, and disposal of hazardous materials and wastes.*

Policy 5 *Maintain a variety of effective citywide programs for household hazardous waste collection.*

Goal 11.2 Reduce the risk to people and property by limiting the type and intensity of development in identified impact areas, ensuring adequate emergency response facilities within or adjacent to airport uses, and requiring adequate public notification of safety policies and procedures.

Policy 1 *Evaluate land use compatibility and safety issues in designated Airport Influence Areas (AIAs) by:*

- Coordinated planning with regional planning authorities
- Compliance with applicable Airport Master Plans, Federal Aviation Administration (FAA) requirements and the California Airport Land Use Planning Handbook.

Policy 2 *Limit the type and intensity of development in designated Airport Influence Areas (AIAs).*

Policy 3 *Avoid siting sensitive uses, especially residences, schools and hospitals, nearby airport runways or along approved flight paths.*

Policy 4 *Encourage the development of open space areas in Highland adjacent to designated airport safety zones.*

Policy 5 *Encourage notification requirements and establish a buyer awareness program for areas of Highland within established Areas of Special Compatibility Concern.*

City of Redlands 1995 General Plan

The Health and Safety Element of the *City of Redlands 1995 General Plan* contains the following policies for fire hazards, which is applicable to hazards and hazardous materials.

- Policy 8.30a** *Work to prevent wildland and urban fire, and protect lives, property, and watershed from fire dangers.*
- Policy 8.30b** *Adhere to the requirements for high fire hazard areas designated by the Redlands Fire Department on the official Roof Classification Zone Map, updated as of June, 1994, and as specified in the document on file at the Redlands Fire Department describing High Fire Hazard Area Fire Safety Modification Zones.*
- Policy 8.30c** *Monitor fire-flow capability throughout the Planning Area, and improve water availability if any locations have flows considered inadequate for fire protection.*
- Policy 8.30f** *Consult the San Bernardino County Fire Safety Overlay Ordinance (July 1989 Development Code) for possible appropriate implementation measures for development in the foothills area.*

Policy 8.30f refers to the San Bernardino County Fire Safety Overlay Ordinance. The Fire Safety Overlay Ordinance is the successor to the "Foothill Communities Protective Greenbelt Program" which specifies parts of the Santa Ana River Wash and the proposed Sunrise Ranch (Greenspot) development area as a wildland/urban interface, subject to increased risk of fire, flood, or erosion. The Fire Safety Overlay Ordinance contains recommendations for access and traffic circulation, fuel modification zones, site and street identification, roadside vegetation specifications, water supply and system standards, construction and development design, erosion control, and several other requirements.

San Bernardino County Hazardous Waste Management Plan

Functioning as the primary planning document for the management of hazardous waste in San Bernardino County, the *San Bernardino County Hazardous Waste Management Plan* accomplishes the following:

- Identifies the types and amounts of wastes generated in the County;
- Establishes programs for managing these wastes;
- Identifies an application review process for the siting of specified hazardous waste facilities;
- Identifies mechanisms for reducing the amount of waste generated in the County; and
- Identifies goals, policies and actions for achieving effective hazardous waste management.

San Bernardino County Fire Department

The San Bernardino County Fire Department is responsible for the regulation of businesses and institutions that handle hazardous materials or generate hazardous waste in the County of San Bernardino (with the exception of the City of Victorville). The San Bernardino County Fire Department, as a Certified Uniform Program Agency, is tasked with the job of conducting compliance inspections for regulated facilities in San Bernardino County. These regulated facilities are those that handle hazardous material, generate or treat a hazardous waste, and/or operate an underground storage tank.

As part of the State-mandated Certified Unified Programs administered by the California Environmental Protection Agency, the San Bernardino County Fire Department coordinates six hazardous material and hazardous waste programs:

- Hazardous Materials Release Response Plans and Inventory;
- California Accidental Release Program;
- Underground Storage Tanks;
- Aboveground Petroleum Storage Spill Prevention Control and Countermeasures;
- Hazardous Waste Generation and Onsite Treatment; and
- Hazardous Materials Management Plans and Inventory Statements

B.13 RECREATION REGULATIONS

Plans and policies applicable to the management of HCP lands depends on the agency responsible for managing the lands or resources involved. The governing laws applicable to the Proposed Action are detailed in Section 1.8, *Relationship to Other Policies, Programs, and Plans*, and include:

- Federal Land Policy and Management Act (FLPMA) of 1976;
- South Coast Resource Management Plan (SCRMP);
- Federal Endangered Species Act (ESA) of 1973;
- California Endangered Species Act (CESA);
- Mining and Mineral Policy Act of 1970; and
- Surface Mining and Reclamation Act (SMARA) of 1975.

The Plan Area is located in Highland and Redlands and San Bernardino County, which have adopted general plans that recognize the importance of the Santa Ana River area as a natural resource and have included policies and measures that allow for mining and processing of aggregate, managing water resources, protecting habitat, and recreation.

The City and County general plans contain goals and policies relating to recreation and open space. The following text lists those that are relevant to recreational resources for the Plan Area.

B.13.1 CITY OF HIGHLAND GENERAL PLAN

The specific goals and policies of the *Circulation and Conservation and Open Space Element* of the *City of Highland General Plan* that may be relevant to the Plan Area with respect to recreation are as follows:

Circulation Element

Goal 3.7 Protect and encourage bicycle travel.¹¹

Policy 1 *Develop a system of continuous and convenient bicycle routes to places of employment, shopping centers, schools, and other high activity areas with potential for increased bicycle use.*

Policy 4 *Assure that local bicycle routes will complement regional systems and be compatible with routes of neighboring municipalities.*

Policy 5 *Provide linkages between bicycle routes and other trails, such as the Santa Ana River Trail, within the City as appropriate.*

Conservation and Open Space Element

Goal 5.10 Maintain a high-quality system of parks that meet the needs of all segments of the community.

Policy 19 *Connect newly developed parks, wherever practical, to the existing and future bicycle and recreational trail system.*

Policy 22 *Develop recreational opportunities within the Greenspot area.*

Policy 25 *Conduct evaluation of park improvements to test for safety compliance, crime prevention, and effective maintenance.*

Policy 30 *Integrate park and recreation facilities with existing and future trail and bikeways, wherever practical.*

Goal 5.11 Provide excellent opportunities and facilities for hiking, equestrian and bicycle use through the Multi-Use Trail Master Plan¹².

Policy 5 *Preserve, to the extent possible, existing formal and informal trail routes in the City, in particular routes that provide major north-south and east-west access.*

Policy 8 *Where feasible, use active and abandoned roads, flood control, utility and railroad rights-of-way, and other easements for potential sites for expanded trail use.*

¹¹ The bicycle portion of the Circulation Element is relevant to the proposed Santa Ana River Trail and paved trails along major roadway edges within the Plan Area. A determination of compatible trail uses, including bicycling on the proposed internal trails within the Preserve, has not yet been determined. This will be done through the trails planning process in the context of the overarching goal of preventing impacts to Covered Species and their habitats within the Preserve.

¹² The trails listed in the respective General Plan Circulation Elements and discussed in this chapter are conceptual and they are presented in this document for context. Only those trails identified in the HCP and listed as conditional Covered Activities are analyzed and addressed in this document. They overlap to some extent with the conceptual trails in the Circulation Elements.

- Policy 10** *Work with local, State, and Federal agencies; adjoining cities and jurisdiction; interest groups; and private landowners, in an effort to promote a Citywide trail system, and to secure trail access through purchase, easement, or by other means.*
- Policy 11** *Locate trail linkages to minimize conflicts with motorized traffic.*
- Goal 5.12 *Develop and maintain trail and bikeway connections to recreational facilities, schools, existing transportation routes, natural features and regional trail systems.*
- Policy 1** *Provide trail connections between and/or along the major city and surrounding regional facilities, sites and features indicated on the Multiuse Trails Master Plan.*
- Policy 3** *Seek to construct or assist in the construction of those portions of the San Bernardino County Regional Trail system that are located within Highland.*
- Goal 5.13 *Ensure the maximum safety and enjoyment of all trail system users.*
- Policy 2** *Access should be provided to the maximum extent feasible to trail users of all abilities and all ages.*
- Policy 4** *Implement two general levels of trail use:*
- Low Use and Natural Area: Standards shall apply to sections of the trail where terrain, remoteness, expected low usage, easement, or other restrictions make larger, multiple trails infeasible.*
- Policy 8** *Incorporate, where feasible and without compromising safety, all compatible multiple uses on a single trail.*

B.13.2 CITY OF HIGHLAND GENERAL PLAN CONSERVATION & OPEN SPACE ELEMENT

According to the *City of Highland General Plan*, an extensive system of informal trails was developed during the early agricultural period of Highland, mostly associated with equestrian transport routes. A formal trail system was initiated when the East Highland Ranch began construction in the early 1980s. In 1989, the City adopted the Conceptual East Highlands Equestrian Map. Realizing the importance of other non-equestrian users, a Community Trails Committee was established in 1990 to advise the City on the planning, acquisition, and maintenance of a Multi-Use Trails Master Plan. There are four conceptual multi-use trails located within the Plan Area.

B.13.3 CITY OF REDLANDS GENERAL PLAN

The specific goals and policies of the *Open Space and Conservation Element* of the *City of Redlands 1995 General Plan*¹³ that are relevant to the proposed Project with respect to recreation are as follows:

Guiding Policies: Parks and Recreational Open Space

- 7.10b** Provide adequate park acreage and recreation facilities conveniently accessible to all present and future residents.
- 7.10c** Enhance the presence of natural and recreational opportunities in the City and increase park use by selecting new, highly accessible locations for parks.
- 7.10d** Identify the needs of special user groups, such as the disabled and elderly, and address these in park and recreation facility development.
- 7.10f** Encourage preservation of natural areas within and outside the Planning Area as regional parks or nature preserves.

Implementing Policies: Parks and Recreational Open Space

- 7.10q** Continue the dedication of land along the Santa Ana bluff for a continuous linear park to be used as picnic and scenic area, and trail.

Guiding Policies: Trails

- 7.11a** Create and maintain a system of trails serving both recreational and emergency access needs. The system is to accommodate walking, hiking, jogging, and equestrian and bicycle use.
- 7.11b** Prepare a Trails Plan depicting regional multi-purpose trails, community trails, local feeder trails, and including design standards.
- 7.11c** It is the intent of the Trails Component of the Open Space and Conservation Element of the *General Plan*, and the policy of the implementing agency to work with landowners to develop, acquire, and maintain the trail system.

Implementing Policies: Trails

- 7.11e** Establish guidelines and standards for trails.
- 7.11f** Establish agreement with public agencies and private entities for development and maintenance of trails in rights-of-way and utility corridors.

¹³ The City of Redlands is currently preparing the Redlands 2035 General Plan Update. However, at the time of drafting this DEIS/SEIR the final version has not been adopted, therefore the 1995 General Plan is in effect until such time that it is replaced by the adopted 2035 General Plan update.

- 7.11j** Coordinate location of trails to relate to neighboring properties.
- 7.11m** Locate trail rights-of-way with concern for safety, privacy, convenience, preservation of natural vegetation and topography, and work with landowners on development proposals to incorporate and provide for continuous multiuse trail system.

B.13.4 CITY OF REDLANDS GENERAL PLAN OPEN SPACE & CONSERVATION ELEMENT

A trails map was prepared by Redlands City Council Trails Committee and adopted by the City Council on October 7, 1992. The committee recognized four major types of trails: Regional Trunk Trails; Primary Community Trails; Secondary Community Trails; and Connector Trails. The trails map within the *General Plan* includes only Regional Trunk Trails and Primary Community Trails. Two conceptual Primary Community Trails and one conceptual Regional Trunk trail traverse the Plan Area. The Regional Trunk trail would be along the Santa Ana River, at the south end of the Plan Area.

B.13.5 COUNTY OF SAN BERNARDINO GENERAL PLAN

The specific goals and policies of the *Open Space Element* of the *County of San Bernardino General Plan* that are relevant to the proposed Project with respect to recreation are as follows:

Guiding Policies: Open Space

- OS 1.4** Support the establishment of “urban open space areas” within urban areas, and seek to develop or retain these areas through cooperation with local cities. Where possible, these areas will be located along or near regional trail routes.
- OS 1.9** Ensure that open space and recreation areas are both preserved and provided to contribute to the overall balance of land uses and quality of life.
- OS 2.1** Provide a regional trail system, plus rest areas, to furnish continuous interconnecting trails that serve major populated areas of the County and existing and proposed recreation facilities through the regional trail system. The purpose of the County regional trails system will be to provide major backbone linkages to which community trails might connect. The provision and management of community and local trails will not be the responsibility of the regional trail system.

Programs:

1. Provide equestrian, bicycling, and pedestrian staging areas consistent with the master plan of regional trails and the trail route and use descriptions shown in Figures 2-11A through 2-11C of the Circulation Background Report.

2. Work with local, state, and federal agencies, interest groups and private landowners in an effort to promote an interconnecting regional trail system and to secure trail access through purchase, easements or by other means.

- OS 2.3** Locate trail routes to highlight the County’s recreational and educational experiences, including natural, scenic, cultural, and historic features.
- OS 2.4** Use lands already in public ownership or proposed for public acquisition, such as right-of-way for flood control channels, abandoned railroad lines, and fire control roads, for trails wherever possible, in preference to private property.
- OS 2.5** Encourage the dedication or offers of dedication of trail easements where appropriate for establishing a planned trails system alignment or where an established trail is jeopardized by impending development or subdivision activity.
- OS 2.6** Do not develop or open trails to public use until a public agency or private organization agrees to accept responsibility for their maintenance.
- OS 2.7** Monitor all dedicated public trails and/or easements on a continuing basis and maintain an up-to-date map of all existing and proposed dedicated public trail easements on the Open Space Overlay Map. Existing trail easements or alignments will be mapped in their correct positions; proposed alignments will be mapped in general locations. The Open Space Overlay Map will be reviewed during consideration of applications for permits or development approvals to ensure that new development does not result in loss of existing or potential public use of dedicated easements
- OS 2.8** Where feasible, link local equestrian trails and hiking paths with other regional trails or routes.
- OS 2.11** Begin acquisition of trail easements or rights-of-way after a trail route plan has been adopted, unless a trail segment is to be acquired through dedication in conjunction with development activity or acts of philanthropy that occur prior to adoption of a route plan.
- OS 2.14** To expand recreational opportunities in the County, the County will utilize small parcels adjacent to flood control facilities for equestrian, pedestrian and biking staging areas. The County Department of Real Estate Services will contact the Regional Parks Department or other County open space agency prior to disposing of any surplus lands.

B.13.6 COUNTY OF SAN BERNARDINO GENERAL PLAN CIRCULATION ELEMENT

According to the Circulation Element of the *County of San Bernardino General Plan*, trails are an important part of the non-motorized transportation system that currently exists within San Bernardino

County. Trails provide public access to open space lands and serve as recreational amenities. Within San Bernardino County, the Department of Regional Parks is responsible for maintaining all County-designated regional trails. All of the County-designated trail facilities are multi-use trails that allow pedestrian, bicycle, and equestrian use. Two planned trails (only at the conceptual level) identified in the County's circulation element are located within the vicinity of the Plan Area: 1) the Santa Ana River Trail and the Greenbelt Trail.