

**DEPARTMENT OF WATER RESOURCES**

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November 2, 2020

Governor's Office of Planning & Research

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**STATE CLEARINGHOUSE**

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SCH# 2019110418 Hesperia Commerce Center II Draft Environmental Impact Report (DEIR)

Dear Mr. Leonard:

The California Department of Water Resources' (DWR) State Water Project Division of Operations and Maintenance (O&M) has reviewed the proposed Hesperia Commerce Center II Draft EIR (the "Project"). O&M is providing these comments pursuant to DWR's regulatory responsibilities under Water Code section 12899.1, Cal. Code Regs. Tit. 23, §600 et seq. and Cal. Code Regs. Tit. 14 §15096.

**Brief Project Description**

The Project would include the construction of three industrial buildings totaling 3,745,429 square feet of industrial/warehouse space and associated improvements including loading docks, tractor-trailer stalls, passenger vehicle parking spaces, and landscaping. Off-site improvements include upgrading and installing domestic water lines, storm drain lines, and sewer in the project vicinity.

The Project would increase the amount of water produced at the Project site during a 100-year storm event by 1 million cubic feet. To manage the increased stormwater runoff, the Project would include infiltration basins designed to capture stormwater runoff from a 100-year 24-hour storm event by retaining 900,000 cubic feet of water which would drain over a 72-hour period. An additional 100,000 cubic feet of water from a 100-year 24-hour storm event that would exceed the capacity of proposed infiltration basins would flow into a new 96-inch diameter storm drain pipe that drains into the Oro Grande Wash (Wash) (See attached "Map Exhibit").

**O&M has the following comments on the DEIR:**DWR is an Agency Whose Approval is Required

The new storm drainpipe in the proposed Project would discharge runoff flows onto the DWR right-of-way. Water is not allowed to be directed onto the DWR right-of-way (California Water Code Section 12899.6 and Code of Regulations, Title 23, Sections 600-635). Any activity which results in an alteration, improvement, encroachment or excavation within the State Water Project right-of-way requires an encroachment permit

Mr. Ryan Leonard, Senior Planner  
November 2, 2020  
Page 2

from DWR, including any element of the project design that utilizes a stormwater system that drains into the Wash. For this reason, DWR is an agency whose approval is required for the Project.

### VIII. Hydrology and Water Quality

#### **Inadequate Impact Analysis**

The analysis for the long-term operational impacts associated with erosion or siltation in the Initial Study were evaluated by significance criteria based on the CEQA Guidelines Appendix G checklist and relied on the San Bernardino County Hydrology Manual as the basis for the threshold of significance. The San Bernardino County Hydrology Manual is not intended to be applied to receiving waterways such as the Wash, and does not provide information as to how to evaluate off-site erosion and siltation impacts. Based on the findings in the IS, the lead agency decided not to include further analysis of the erosion or siltation impact in this DEIR.

As a result, the DEIR does not analyze the Project's impacts associated with off-site erosion and siltation. The Project site's stormwater currently drains naturally on- and off-site, with no runoff being directed towards the Wash and/or into the MP 394.5 culvert. The Project proposes that 100,000 cubic feet of water during a 100-year 24-hour storm event that exceeds the capacity of on-site infiltration basins would flow into a new 96-inch diameter storm drain pipe that would drain into the Wash, in addition to an already-existing storm pipe at the end of Cataba Road that presently drains into the Wash. The already-existing storm drainpipe at the end of Cataba Road that drains into the MP 394.5 culvert is causing substantial erosion and siltation buildup (see exhibits A-D). Thus, there is a strong likelihood the Project's new storm drain will either worsen the existing erosion and siltation or create new, substantial erosion and siltation. The off-site erosion and siltation impact of these stormwater flows on the Wash, the MP 394.5 culvert, and the California Aqueduct should be analyzed in the EIR.

#### **Cumulative Impacts**

The Project does not analyze the cumulative impacts of off-site stormwater drainage. The Project includes nearly 200 acres of proposed development, in addition to another proposed 80-acre Hesperia Cold Storage Facility, located northeast of the proposed Project (Map Exhibit). These two proposed projects would drastically increase the total acreage of developed land in the vicinity of the Wash from the approximately 110 acres of existing developed land to nearly 400 acres. Future development in the area is also reasonably foreseeable. In light of the already existing conditions, the proposed Project, other proposed projects such as the Hesperia Cold Storage Facility, and reasonably foreseeable future projects, without alterations to the retention basin designs or appropriate mitigation measures, the proposed Project would potentially significantly increase the amount of storm water runoff upslope of the Wash, exacerbating erosion and siltation, and further degrading the DWR right-of-way and clogging the culvert.

Mr. Ryan Leonard, Senior Planner  
November 2, 2020  
Page 3

O&M believes that the severity of the erosion and siltation above the culvert at MP 394.5 (as shown in Exhibits A-E) has reached a critical threshold that cannot be allowed to worsened by additional developments directing more stormwater towards and/or into the vicinity of the MP 394.5 culvert. The amount of cumulative soil erosion and sediment buildup in the vicinity of the DWR culvert at MP 394.5 that would result from the Project and other proposed projects in the area create a potentially significant impact under CEQA's cumulative impact test that has not been analyzed.

O&M has been consistent in its position that any new development approved by Hesperia within the Oro Grande Wash watershed upslope of the Aqueduct must contain a stormwater detention feature to prevent further erosion by attenuating peak run-off velocities and preventing sediment deposition at the DWR culvert inlet. As mentioned above, the Project's proposed basins are designed to hold only 90 percent of the additional runoff resulting from the development.

Development in Hesperia over the past several decades has led to increased flows into the Wash and constant flows of nuisance water into the DWR right-of-way. This nuisance water is accompanied by an increased sediment load that is brought into the DWR right-of-way. The sediment is deposited at the foot of the Aqueduct embankment and into the culvert which has resulted in recurring maintenance issue for DWR over the past several decades. This requires additional inspection and sediment removal to maintain an open culvert. The sediment load can be very heavy, plugging the culvert, requiring immediate attention to maintain an open channel.

### **O&M's Requests and Additional Comments**

O&M requests the Project develop both an independent and cumulative impacts analysis of the off-site soil erosion and sedimentation issues identified above. Prior to approving an encroachment permit for this project, O&M requests the Project analyze and develop potential mitigation measures for stormwater runoff that will adequately prevent further cumulative soil erosion and sediment buildup in the vicinity of the California Aqueduct at MP 394.5, and/or to modify the stormwater detention facility on the project site to account for 100% of stormwater during a 100-year 24-hour storm event. O&M requests to review Hesperia's Master Plan of Drainage for the Oro Grande Wash Area to better assess how developments on the West Rim of the Wash may impact DWR facilities and right-of-way.

O&M requests the following information be included in the EIR:

1. An emergency water removal contingency plan for the stormwater detention basin included in the BMPs.
2. A study of the required maintenance for the proper functioning of the proposed retention basin, a maintenance plan for the retention basin, and the agency responsible for maintaining or monitoring compliance with the proposed retention basin maintenance plan for the life of the project.

Mr. Ryan Leonard, Senior Planner  
November 2, 2020  
Page 4

O&M is willing to work with the City of Hesperia to develop and implement a long-term solution to the stormwater runoff problem in the Wash, but will not approve future encroachment permits within the Wash without addressing the ongoing stormwater system drainage issue.

Encroachment Permit application information and regulations can be found at <https://water.ca.gov/Work-With-Us/Real-Estate/Encroachment-Permits>.

If you have any questions or need additional information, please contact Kristen Greenacre at (916) 653-4264 or [Kristen.Greenacre@water.ca.gov](mailto:Kristen.Greenacre@water.ca.gov). Please provide DWR with notice of any future project documents when available by informing Kristen Greenacre.

Sincerely,

*Casey Pancaro*

Casey Pancaro  
Attorney

cc: Kristen Greenacre  
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