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GAVIN NEWSOM, Governor
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November 2, 2020
Sent via email

Governor's Office of Planning & Research

NOV 03 2020

STATE CLEARINGHOUSE

Mohammed Ibrahim
City of Corona Public Works Department
400 S. Vicentia Avenue, Suite 210
Corona, California 92882
Mohammed.Ibrahim@CoronaCA.gov

Subject: Draft Programmatic Environmental Impact Report City of Corona Reclaimed Water Master Plan Project State Clearinghouse No. 2020050497

Dear Mr. Ibrahim:

The California Department of Fish and Wildlife (CDFW) received the Draft Program Environmental Impact Report (Draft PEIR) from the City of Corona Public Works Department (City; the CEQA lead agency) for the Reclaimed Water Master Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION

The Project is located within the northwestern portion of the County of Riverside, near the convergence of the Counties of Los Angeles, Orange, and Riverside and is bordered by the City of Norco to the north, City of Riverside to the east, unincorporated County of Riverside to the west and south, Cleveland National Forest to the south and southwest, and Prado Flood Control Basin to the northeast. The City's water service area encompasses approximately 39 square miles and delineates the extent of the City's potable water, reclaimed water, and wastewater services. The water service area boundary differs slightly from the City's jurisdictional boundary because it also includes the unincorporated communities of El Cerrito and Coronita and parts of Temescal Canyon. The water service area is a jurisdictional boundary bordered by the neighboring water service areas for the Cities of Norco and Eastvale to the north, City of Riverside to the northeast, Home Gardens County Water District to the east, and Temescal Valley Water District to the south (see Figure 1).

The City is a member of the Western Riverside County Regional Wastewater Authority (WRCRWA), which operates a new wastewater reclamation facility in the City of Eastvale. The WRCRWA is a future source of reclaimed water for the City. To meet the supply and demand needs of the City, improvements to the reclaimed water transmission system between the WRCRWA and customers in the southern part of the water service area and improvements to the wastewater collection system between sewer customers in the southern part of the sewer shed and the Water Reclamation Facilities (WRFs) in the northern part will occur. In total, 33 separate projects will occur, including: (1) improvements surrounding the WRCRWA facilities, (2) improvements to supply reclaimed water based on increased demand, (3) enhancements to data collection, and (4) additional studies.

Six sources of supply that involve future allocation from the WRCRWA have been designed. The WRCRWA Booster Pump Station will supply and replace the existing booster pump station that completes the transmission system loop between the WRCRWA Plant and existing WRF1 Tank and will provide reclaimed water to the 833 Subzone. A 5,133-foot-long, 20-inch-wide transmission pipeline (WRCRWA Transmission Pipeline) will connect the WRCRWA Plant Booster Pump Station 833 Subzone to the River Flow Control Station (FCS)-833 Subzone (see Figure 2, Source of Supply Project). Three control valve stations will direct flow from the WRCRWA to the desired destinations in the existing system. This source of supply will control flows from the WRCRWA plant to deliver reclaimed water to either the Lincoln-Cota Ponds or the existing WRF1 Tank. The Rimpau California Pipeline will provide the additional capacity needed to move the WRCRWA supply from potable water to reclaimed water in the southern portion of the water service area between City Park and Chase Park. The Chase Booster Pump Station will complete the primary loop between the existing WRF1 and the 1380 Zone and will provide redundancy in conjunction with the existing Border Tank facility for serving large demands in areas south of the City. A booster pump station will be constructed adjacent to the future Chase Tank and 1,600 feet of new 12-inch pipe will be installed in Chase Park and California Avenue.

Approximately 27 miles of large distribution pipelines are proposed to supply irrigation demands at schools, parks, City landscaping, and the industrial, commercial, institutional, and multifamily residential sectors, including four large distribution pipelines (see Figure 3a, Large Distribution Pipelines); nine medium distribution pipelines (see Figure 3b, Medium Distribution Pipelines); and ten small distribution pipelines (see Figure 3c, Small Distribution Pipelines).

PROJECT BACKGROUND

The City originally adopted a Reclaimed Water Master Plan (RWMP) in 2001. The City filed for a Wastewater Change Petition (WW0056) with the State Water Resources Control Board (State Water Board), Division of Water Rights on December 17, 2009, pursuant to section 1211 of the Water Code. The petition sought to decrease the amount of treated wastewater into Butterfield Drain, tributary to Temescal Creek, by reallocating discharge from WRF3, which is situated adjacent to Temescal Creek just upstream from Cajalco Road, to WRF1, located directly south of Prado Basin on Railroad Street. CDFW filed protests to the petition between 2010 and 2012, with the State Water Board determining there was “no substantial evidence to support that the proposed changes would have an adverse effect on fish and wildlife resources”. The protest was canceled in 2012. (Wat. Code§ 1335.).

In 2016, the City of Corona Department of Power and Water prepared a separate Initial Study/Mitigated Negative Declaration for the WRCRWA Transmission Pipeline (WRCRWA Proposition 1 – Reclaimed Water Distribution System SCH # 2016071005), which would provide the primary water transmission from the WRCRWA plant. An updated RWMP (2018) along with the accompanying Draft PEIR was prepared to provide guidance to utilize treated effluent from existing and future WRFs supplemented by non-potable groundwater from the Bedford Basin to reduce dependence on imported water and potable groundwater.

COMMENTS AND RECOMMENDATIONS

After reviewing the documents above, CDFW is providing the following comments and recommendations to assist the City in mitigating significant impacts to biological resources.

Mitigation Measures for Project Impacts to Biological Resources

Mitigation measures should emphasize avoidance and reduction of Project impacts. Within the Draft PEIR (3.4 Biological Resources 3.4.4 Environmental Analysis 3.4.4.2 *Threshold 2: Sensitive Animal Species*) BIO-9 (Preconstruction Nesting Bird Surveys) states the following:

To the extent feasible, grubbing, trimming, or clearing of vegetation from project sites shall not occur during the general bird nesting season (January 15 through September 15). If grubbing, trimming, or clearing of vegetation cannot feasibly occur outside of the general bird nesting season, a qualified biologist shall perform a preconstruction nesting bird survey at project sites with vegetation supporting nesting birds. Nesting bird surveys shall occur within 10 days before the start of vegetation clearing or grubbing to determine if active bird nests are present. If no active bird nests are identified on the project sites or within a 300-foot buffer of the project sites, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected on the project site during the 10-day preconstruction survey, construction activities should stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer is expanded to 500 feet. It is recommended that a biological monitor be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young

have fledged, and a qualified biologist has determined the nest is inactive, normal construction activities can occur.

CDFW concurs that a qualified biologist should be onsite to monitor active nests. Furthermore, relevant statutes in the California Fish and Game Code (CFGC) Sections 3503, 3503.5, 3513, and 3800 provides protections for birds, including their active nests regardless of respective timelines. Within southern California, avian species (e.g. raptors, hummingbirds, owls, etc.) may nest year-round or outside the typical 'breeding season'. Furthermore, because nest building and egg laying can occur within a short time interval, CDFW strongly recommends that Mitigation Measure BIO 9 state that nesting bird surveys occur no more than 3 days prior to any project activities that could directly or indirectly result in the disturbance of active nests (e.g., ground, shrub, tree, and man-made structure dwellers). CDFW recommends BIO-9 be replaced with the following measure to address the potential for nesting activities outside of the typically identified nesting season and the short period in which nesting may be initiated:

BIO-9: The City shall avoid impacts to nesting birds through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of minimization measures. The City shall ensure that the qualified biologist performing the surveys is experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

The City shall ensure that the qualified biologist conducts the surveys at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall: encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures; take into consideration the size of the project site; density, and complexity of the habitat, number of survey participants, survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Depending on the nest survey results, the qualified biologist shall perform the following:

- If a nest is observed, but thought to be inactive, the nest will be monitored by the qualified biologist using his/her best professional judgement to monitor if, or when the nest can be approached to confirm its' status.*
- When an active nest is confirmed, the qualified biologist shall use his/her best professional judgement and experience to establish a conservative avoidance buffer surrounding the nest and monitor project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer.*

Analysis of Biological Resources

Within CEQA, a project should determine if any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by CDFW will be substantially adversely affected. In the Draft PEIR (3.4 Biological Resources 3.4.5 *Cumulative Impacts and Mitigation*), it states that “*All projects, including the 2018 RWMP, approved within the City’s jurisdiction are required to be consistent with the City of Corona 2020–2040 General Plan natural resources goals and policies (City of Corona 2020b) and the Western Riverside County MSHCP and to provide mitigation for impacts to riparian habitat and sensitive vegetation communities as appropriate. The 2018 RWMP, as with other cumulative projects, would be required to meet or exceed the Western Riverside County MSHCP regional conservation requirements. As analyzed in Section 3.4.4.3, potentially significant project level impacts to non-native grassland habitat would be reduced to a less than significant level with implementation of Mitigation Measures BIO-2, BIO-3, and BIO-11.*”

CDFW is concerned with the lack of consistency in vegetation classifications and mapping between the Draft PEIR and the Western Riverside County Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (MSHCP/NCCP), and the City’s ability to identify and mitigate losses of habitat consistent with the MSHCP given the inconsistency in defining and mapping vegetation. According to the Draft PEIR (3.4 Biological Resources 3.4.1 *Environmental Setting* 3.4.1.2 *Existing Biological Resources*), “*the water service area consists of nine sensitive vegetation communities and two land use types*” (County of Riverside 2003; City of Corona 2018; Holland 1986). Specifically, the Draft PEIR identified areas as chaparral, coastal sage scrub (Diegan and Riversidian), and oak woodland. However, using Western Riverside County MSHCP/NCCP vegetation mapping (2008-second edition and online updates of the *Manual of California Vegetation* [Sawyer, Keeler-Wolf and Evens 2009], the Project would be mapped as having at least seven alliances/associations (e.g., Laurel Sumac Alliance, Coast Live Oak – Sycamore, Hoaryleaf Ceanothus - Laurel Sumac Association). Similarly, Prado Basin, which was mapped within the Draft PEIR as freshwater marsh (coastal and valley), grassland (non-native), open water, southern riparian forest, and southern riparian scrub, is mapped by the MSHCP/NCCP as more than twelve associations/alliances consisting of, but not limited to, Black Willow - Shining Willow - Fremont Cottonwood Association, Black Willow - Shining Willow - Fremont Cottonwood Association, and Black Willow/Mulefat Association. CDFW strongly encourages the City to include the MSHCP/NCCP GIS map in the Draft PEIR, and compare and contrast the vegetation communities/alliances to ensure all sensitive communities are identified, along with feasible mitigation that will compensate for loss to state sensitive associations/alliances.

CDFW also is concerned with how vegetation impacts were determined. CDFW compared the MSHCP/NCCP GIS vegetation community layer and the maps provided within the Draft PEIR (see Figures 4 and 5a), and identified discrepancies between “urban” and California Annual Grassland Alliance (Figure 5b), as well as, “nonnative grassland” and willow scrub association classifications (Figure 5c). In particular, where the Draft PEIR indicates that nonnative grasslands are present, some of these areas are distinguished as willow scrub in the MSHCP/NCCP, while some urban polygons (Draft PEIR) are delineated as California Annual Grassland (MSHCP/NCCP). To maintain consistency with the MSHCP/NCCP, CDFW recommends the City coordinate with the Western Riverside County Regional Conservation Authority (RCA) on the identification of vegetation impacts and, if necessary, reevaluate the

vegetation communities within the Project and include an updated map and analysis of the Project impacts.

Finally, CDFW is concerned with the mitigation ratios offered in BIO-2 and BIO-3. The Draft PEIR (3.4 Biological Resources 3.4.4 Environmental Analysis 3.4.4.1 *Threshold 1: Sensitive Plant Species*), Measure BIO-2 asserts:

*“Permanent impacts to sensitive non-native grassland shall be mitigated through the preservation of habitat, habitat creation, or enhancement, or combination thereof, in the City of Corona or off site through habitat acquisition and preservation or purchase of credits from an approved conservation bank. Mitigation for impacts to non-native grassland shall be in-kind using native grasses. **Permanent impacts to sensitive nonnative grassland shall be mitigated at a ratio of 0.5:1 (emphasis added).**”*

Similarly, BIO-3 states the following:

Temporary impacts to non-native grassland shall be restored in place or elsewhere on the project site at a 1:1 replacement ratio using native grass species. A Revegetation Plan shall be prepared. The Revegetation Plan shall include site preparation specifications, a plant palette, installation procedures, development of reasonable success criteria, appropriate monitoring and reporting protocols, implementation timelines, and contingency measures in the event of restoration failure. The City of Corona shall provide guidance for and oversight of the Revegetation Plan and implementation.

*In the event that non-native grassland vegetation cannot be restored in place or elsewhere on the project site after construction, these impacts would be considered permanent, and Mitigation Measure BIO-2 would be implemented. The 0.5:1 permanent impacts and 1:1 temporary impacts **mitigation ratios for the project would follow the accepted ratios established by the Western Riverside County Multiple Species Habitat Conservation Plan to reduce potentially significant impacts to sensitive vegetation communities to less than significant (emphasis added).**”*

Finally, BIO-11 states the following:

“For projects proposed in the 2018 Reclaimed Water Master Plan on undeveloped land, including the Western Riverside County Regional Wastewater Authority Flow Control Improvements, Promenade Pipeline, and Research Pipeline, a site-specific biological resources survey shall be conducted during the project design phase. The biological resources survey shall be conducted by a qualified biologist and shall include but not be limited to the following:

An analysis of available literature and biological databases, such as the California Natural Diversity Database, to determine sensitive biological resources that have been reported historically from the proposed project vicinity.

- *A review of current land use and land ownership within the project vicinity.*

- *An assessment and mapping of vegetation communities present within the proposed project vicinity. If vegetation community mapping has not been conducted on the site in the previous 3 years, updated vegetation mapping shall be conducted by a qualified biologist as part of the project planning and environmental review process. Vegetation communities shall be mapped according to the Manual of California Vegetation at the alliance level, and a crosswalk table with Holland vegetation communities shall be provided.*
- *A general assessment of the potential for aquatic resources, including wetlands and riparian habitats, to occur on site.*
- *An evaluation of potential local and regional wildlife movement corridors.*
- *If the project sites support vegetation communities that may provide habitat for plant or animal species, a focused habitat assessment conducted by a qualified biologist to determine the potential for sensitive plant or animal species to occur on or adjacent to the project sites.*

The results of the biological survey shall be presented in a biological survey letter report”.

The Project occurs within the MSHCP/NCCP area and is subject to the provisions and policies of the MSHCP/NCCP. In order to be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP/NCCP and its associated Implementing Agreement. This may include, but not limited to: a Joint Project Review (JPR) process through the Regional Conservation Authority (RCA), Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP section 6.1.2), Protection of Narrow Endemic Plant Species (MSHCP section 6.1.3), Additional Survey Needs and Procedures for burrowing owl and Criteria Area Species (MSHCP section 6.3.2), and the Guidelines Pertaining to the Urban/Wildlands Interface (MSHCP section 6.1.4).

In addition, mitigation to offset impacts to sensitive vegetation communities should be determined in coordination with the RCA and wildlife agencies during the various processes described above, as the MSHCP/NCCP does not offer standard ratios, but rather determines the mitigation necessary on an individual project basis dependent upon several factors, including, but not limited to, whether the individual project is within a Criteria Cell or whether the certain habitat being impacted is out of “rough step” (i.e., impacts are occurring at a faster pace than preservation). As such, CDFW believes the representation that, “*the project would follow the accepted ratios established by the Western Riverside County Multiple Species Habitat Conservation Plan*” by adopting a 0.5:1 or 1:1 mitigation ratio is incorrect and should be replaced with language referencing the MSHCP/NCCP project review process described above when determining appropriate mitigation.

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

CDFW is concerned that the Draft PEIR only addresses direct impacts resulting from the construction of infrastructure related to water transmission and system performance. While these direct effects should be included within the Draft PEIR, CDFW also believes that other impacts, such as water removal, redirection, or reallocating groundwater should be analyzed for impacts to biological resources. If these impacts have been addressed in separate CEQA documents, CDFW recommends these related CEQA analysis and findings be incorporated by reference into the Draft PEIR. Of particular interest and relevance would be any findings from required monitoring plans resulting from the change in use of wastewater. For instance, when

the protest to the wastewater change petition WW0056 was dismissed, the State Water Board concluded as part of this reasoning that “*The Petitioner has developed and prior to reducing the quantity of treated wastewater discharged to the stream system must implement the 2011 Monitoring Plan, which is located in the WW0056 file. The Monitoring Plan requires the Petitioner to conduct baseline monitoring at the selected monitoring sites. All monitoring shall be conducted by a biologist acceptable to the Deputy Director for Water Rights. The Deputy Director for Water Rights may modify the plan upon a determination that it is ineffective or unsuccessful, or provide relief from this term upon a determination that the Monitoring Plan is no longer required. Petitioner shall provide an annual letter report documenting compliance with the Monitoring Plan, on or around the beginning of each calendar year, throughout the monitoring period established in the plan*”.

The full scope of the Project, including indirect and cumulative impacts, should be described in the Draft PEIR to ensure the public is not deprived of a meaningful opportunity to review and comment on the environmental effects of the Project. As it is unclear whether impacts resulting from the redirection and use of previously discharged wastewater have been analyzed, CDFW recommends the City either include a mitigation measure to address potential future hydrological and ecological effects of the Project through relevant, scientific based data collection (e.g., piezometers, monitoring wells, etc.), monitoring (i.e., vegetation composition/density, water levels, etc.), modeling (i.e., hydrologic, numerical, etc.), and adaptive management approaches, or revise the Draft PEIR prior to certification to identify the associated CEQA analysis and findings related to these potential impacts. If no prior analysis of the change in wastewater usage was completed, CDFW recommends the following measure be added to the Draft PEIR:

The City shall prepare and implement a monitoring and adaptive management plan focused on avoiding and minimizing impacts of water withdrawal on sensitive habitats and species. The plan shall include, but not be limited to, data collection (e.g., piezometers, monitoring wells, etc.), monitoring (i.e., vegetation composition/density, water levels, modeling (i.e., hydrologic, numerical, etc.), and adaptive management approaches. The plan shall be submitted to CDFW, and other interested resource agencies, for review and approval.

LAKE AND STREAMBED ALTERATION PROGRAM

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

Upon receipt of a complete notification, the CDFW determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures

necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the CDFW is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

FURTHER COORDINATION

The CDFW appreciates the opportunity to comment on the Draft Programmatic Environmental Impact Report for City of Corona Reclaimed Water Master Plan Project (State Clearinghouse No. 2020050497) and recommends that the IEUA address the CDFW's comments and concerns.

If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Kim Romich at (760) 938-1380 or at kimberly.romich@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

Attachments:

- Figure 1 – Project footprint
- Figure 2 – Source of Supply Map
- Figure 3a – Large Distribution Pipes Map
- Figure 3b – Medium Distribution Pipes Map
- Figure 3c – Small Distribution Pipes Map
- Figure 4 – Western Riverside Multispecies Habitat Conservation Plan and Natural Community Conservation Plan GIS Vegetation Community Map.
- Figure 5a - Overall Comparison between the Draft PEIR and MSHCP/NCCP GIS Maps
- Figure 5b - Comparison between the Draft PEIR urban GIS layer and MSHCP/NCCP California Annual Grassland Alliance layer GIS layer
- Figure 5c - Comparison between the Draft PEIR nonnative grassland GIS layer and MSHCP/NCCP California willow scrub association layer

cc: Office of Planning and Research, State Clearinghouse, Sacramento
ec: HCPB CEQA Coordinator