



July 9, 2020

Governor's Office of Planning & Research

Mr. Steven Valdez
Senior Planner
San Bernardino County
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415

Jul 10 2020

STATE CLEARINGHOUSE

Transmitted via email: steven.valdez@lus.sbcounty.gov

SUBJECT: Initial Study/Mitigated Negative Declaration, County of San Bernardino
Department of Public Works; Ocotillo Borrow Pit; State Clearinghouse (SCH)
No. 2020069012

Dear Mr. Valdez:

The Department of Conservation's Division of Mine Reclamation (Division) appreciates the opportunity to participate in the environmental review process for the Ocotillo Borrow Pit (SCH No. 2020069012). The project as described in the Initial Study/Mitigated Negative Declaration (IS/MND) includes the following elements:

- Permit the Ocotillo Borrow Pit for a 100-year period
- Provide general fill material for various Department of Public Works (DPW) sites for annual maintenance
- Excavate up to a depth of 15 feet and remove up to 1,000 cubic yards (cy) a year

The Division has review and backstop responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code Section 2710 et seq.). SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is ready adaptable for alternative land uses
- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment
- Residual hazards to the public health and safety are eliminated

The Division's primary focus is on existing surface mining operations and the return of those mined lands to a usable and safe condition; however, the Division also addresses

issues related to abandoned legacy mines. Division staff currently is reviewing the reclamation plan that has been proposed for this project.

Division staff has reviewed the IS/MND pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines and offers the following comments:

Baseline

- 1) Division staff questions the baseline identified for this Project. Given previous disturbance by the applicant, Division staff recommends that the appropriate baseline for this project is Joshua Tree woodland, which occurs on 1.6 acres of the Project Site and on the undisturbed surrounding area. For example, the IS/MND states that the Project Site has previously been disturbed primarily for “material removal and staging operations associated with maintenance and emergency repair of San Bernardino road projects ... the site is mostly disturbed by past grading and material storage uses and has been used by the DPW for such activities since the 1960s.” (IS/MND Page 1)

In addition, as stated on page 25: “Joshua Tree woodland dominates undisturbed area being either bare or populated by the subset of species that occur nearby.... [T]he habitat in vicinity of the Project Site consists primarily of *Yucca brevifolia* Woodland Alliance. [T]he tree canopy of the community contains only two species and is co-dominated by *Y. brevifolia* and *Y. schiridigera* (Mojave yucca). The shrub canopy is diverse with 21 species with *Ambrosia salsola* (Burrobush), *Ephedra nevadensis* (Nevada ephedra), *Hesperoyucca whipplei* (Chaparral yucca), and *Salvia dorri* (Dorr's sage) being the most common. Fifty-one herbaceous species were found, including four non-natives [sic] species.”

- 2) Additionally, Page 26 states, “[T]here is a blueline stream course mapped by the USGS National Hydrography Dataset (NHD) that was historically mapped on the eastern edge of the Project Site. The current site conditions have resulted in a realignment of the flows further east to the very eastern edge of the site.”

As the term “current site conditions” seems to refer to disturbance by the DPW to remove materials, the pre-disturbance state should also be the baseline for this feature (blueline stream course).

Biological Resources Mitigation Measures

- 3) It is unclear why no mitigation measures are listed for Biological Resources, given the location of the Project in Joshua Tree woodland habitat, the site use history for the past 60 years, and the project duration is 100 years from approval of the Reclamation Plan.

Additionally, the Biological Resources Assessment (2019; Jericho Systems) for this project indicates that there is potentially suitable habitat for the desert tortoise in areas adjacent to the site. The BRA identified that the Project Site is within 5 miles

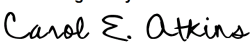
of documented occurrence of a desert tortoise. Division staff recommend that mitigation measures be considered for the Joshua Tree and desert tortoise.

- 4) Western Joshua Tree (*Yucca brevifolia*) is currently under consideration by the California Fish and Game Commission (Commission) as a potential candidate for listing under the California Endangered Species Act. The California Department of Fish and Wildlife has submitted its evaluation, and the item is scheduled to be considered at their August 19-20, 2020 meeting. Should the Commission recommend the species for candidacy, then this project may need to conduct further analysis, as candidate species are afforded protection from take during their candidacy period.

Please include the Division on the distribution list for this project and send the Division any subsequent project documents (e.g., hearing notices or supplemental environmental documents), as well as a copy of the final IS/MND at the following email: DMR-Submittals@conservation.ca.gov.

If you have any questions, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:

73ECCB6738194DA...

Carol E. Atkins, Manager
Environmental Services Unit

ec: State Clearinghouse (state.clearinghouse@opr.ca.gov)
Department of Conservation, Office of Legislative and Regulatory Affairs
(OLRA@conservation.ca.gov)
CDFW Region 6 – Mojave Desert (Julia.Karo@wildlife.ca.gov)