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## Lahontan Regional Water Quality Control Board

November 15, 2021

File: Environmental Doc Review  
San Bernardino County

Shawn Oriaz, Senior Environmental Planner  
California Department of Transportation  
464 W. 4th Street, MS 827  
San Bernardino, CA 92401-1400  
[I15RegradeMedianProject@dot.ca.gov](mailto:I15RegradeMedianProject@dot.ca.gov)

Governor's Office of Planning & Research

**Nov 15 2021**

**STATE CLEARINGHOUSE**

**Comments on the Initial Study and Mitigated Negative Declaration, I-15  
Regrade Center Median Project, San Bernardino County,  
California Department of Transportation District 08-SBD-15 (PM  
R96.10 - R103.5, R111.6 - R112.3, and R120.1 - R124.24) EA 08-1C7201  
PN 0813000003, State Clearinghouse No. 2021100184**

Lahontan Regional Water Quality Control Board (Water Board) staff received the Initial Study and Mitigated Negative Declaration (IS/MND) for the above-referenced project (Project) on October 15, 2021. The IS/MND, prepared by California Department of Transportation (Caltrans), was submitted in compliance with provisions of the California Environmental Quality Act (CEQA) in order to solicit input on the potential impacts on the environment and ways in which those significant effects are proposed to be avoided or mitigated. Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the IS/MND, we recommend Caltrans incorporate design features into the Project to account for the potential increased stormwater discharge volumes, erosion, and sediment transport that may occur as a result of Project implementation. Our comments and list of potential permitting requirements are outlined below.

### PROPOSED PROJECT

Caltrans proposes to regrade the median cross slopes from the existing 6 to 1 (or steeper) to 10 to 1 (or flatter) on Interstate 15 (I-15) at various locations from Harvard Road to Razor Road in San Bernardino County near the city of Barstow. The Project is intended to improve highway safety and includes installing rock slope protection, extending culverts, constructing drainage inlets, and installing metal beam guardrails, as needed. The Project has three segments: Segment 1, post-mile (PM) R96.1 to R103.5; Segment 2, PM R111.6 to R112.3; and Segment 3, PM R120.1 to R124.24.

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PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

## **WATER BOARD'S AUTHORITY**

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of the quality of waters of the State in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at [http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

## **COMMENTS ON THE PROPOSED PROJECT AND ENVIRONMENTAL REVIEW**

Based on our review of the information provided, we recommend that the following issues be considered and addressed in applicable sections of the final environmental document.

1. Section 1.3.2, Page 4 – The proposed build alternative states “installing rock slope protection at culverts and washes to protect streambeds of these facilities. Drainage modification and improvements work will consist of reconstruction of existing off-site drainage facilities by extending the storm drain in the median. Regrading will not occur at the existing bridges in the median.” Water Board staff requests clarification be provided regarding “extending storm drain in the median.” With the regraded median, Project implementation has the potential increase stormwater discharge volumes, erosion, and sediment transport into the stormwater facilities. Any potential increased stormwater discharge volumes, erosion, and sediment transport needs to be accounted for in the proposed Project design; please provide clarification for which design features have been incorporated into the Project to address these issues.
2. Section 2.4 Biological resources, Page 16 – Paragraph 4 lists the Mojave tui chub, an endangered fish, in the vicinity of the Project site but proposed impacts are considered less than significant due the relative distance from the Project site. Water Board staff disagree and are concerned that the Project has the potential to increase stormwater runoff volumes that may lead to excess sedimentation and siltation downgradient in the Mojave River, specifically for Segments 1 and 2 in the vicinity of Afton Canyon. Please ensure sufficient energy dissipation and de-

siltation design features are incorporated into the Project to mitigate for any potential erosion and/or siltation downstream from the Project.

3. Section 2.10 Hydrology and Water Quality, Page 32 – This section describes the Project’s potential impacts to water quality.
  - a. This section has no discussion regarding the potential for increased stormwater flow due to the proposed increase in surface area drainage. The finding that the Project would not create or contribute runoff exceeding the capacity of existing or planned stormwater drainage systems is not supported by the analysis provided in the IS/MND. The stormwater drainage systems must be designed to effectively manage runoff for the entire drainage area (median included) as well as handle the runoff from potential larger storm events due to climate change.
  - b. For this Project, Water Board staff request that Caltrans only use clean fill material that is free from waste materials to avoid any potential for unauthorized discharges of waste to surface waters of the Mojave watershed.
4. Chapter 3 Climate Change: Floodplains, Page 65 – Paragraph 2, Caltrans states project is likely to withstand changes in precipitation that are anticipated with climate change, siting improved rock slope protection along culverts and washes while expanding median storm water drainage. Water Board staff encourage Caltrans to consider the effects of climate change when designing stormwater conveyance facilities. Future storm events will likely be fewer in number but higher in intensity; stormwater facilities should be designed to handle some increase in precipitation while mitigating for the potential of erosion upstream or downstream of the facility.
5. Appendix B Avoidance, Minimization and/or Mitigation Summary.
  - a. BIO-1 Equipment Staging: Water Board staff request that equipment be maintained properly and checked for leaks and spills on a regular basis. Equipment should be removed from the Project site if leaks/spills persists and/or cannot be corrected.
  - b. BIO-2 Standard Best Management Practices (BMPs): This Project will require development and implementation of a Stormwater Pollution Prevention Plan (SWPPP; see Permitting Requirement No. 7, below). Please ensure that the SWPPP describes all proposed BMPs (i.e. silt fences, straw wattles, etc.) and where will they be placed to ensure protection of water quality. Temporary BMPs should be provided for all areas of the Project site including staging and equipment storage areas and areas where vehicles are parked.

- c. BIO-21 Species Protection: Water Board staff request that Caltrans ensure that no refueling, storage, or repairs of any equipment/vehicles take place near a drainage channel or stormwater facility and that adequate BMPs be implemented to cleanup and contain and spills or leaks should they occur.

## PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Board or Lahontan Water Board. The required permits may include the following.

6. Construction of the Project will result in excavation in, discharge of fill to, and otherwise physical alteration of surface waters within the Mojave watershed. Caltrans will be required to obtain either (1) a CWA, section 401 water quality certification for impacts to federal waters and/or (2) dredge and fill waste discharge requirements for impacts non-federal waters of the State, both of which are issued by the Lahontan Water Board. As part of that permitting process, Caltrans will be required to avoid and minimize, to the extent possible, direct and indirect impacts to waters of the State. Information regarding these permits including application forms can be found online at [http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/clean\\_water\\_act\\_401/index.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/index.shtml). Early consultation with Water Board staff is highly encouraged.
7. Land disturbance of more than 1 acre will require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board. The project specific SWPPP required by the permit must fully identify and describe both construction and post-construction BMPs that will be incorporated into the Project. The IS/MND should fully describe the post-construction BMPs that will be used and show the locations of these features on Project maps and site plans.
  - a. The SWPPP should be applicable to all areas of the Project, including construction areas, access roads to and through the site, equipment staging, and stockpile locations.
  - b. The Project shall not result in an exceedance of any applicable water quality objective (WQO) for the receiving water. For this Project, the receiving waters are the Mojave River and its tributaries of the Mojave Hydrologic Unit and groundwaters of the Upper Mojave River Valley Groundwater Basin. The primary water quality parameters potentially affected by the Project include chemical constituents (as defined by California Code of Regulations, title 22), oil and grease, pH, suspended

materials, temperature, and turbidity. Numeric and narrative WQOs for these parameters in surface waters and groundwater are outlined in Chapter 3 of the Basin Plan.

- c. Temporary BMPs must be implemented for all components of the Project until such time that vegetation has been restored to pre-Project conditions or permanent post-construction BMPs are in place and functioning.
  - d. All excess soil excavated as part of the Project that is not used onsite should be stockpiled in an upland location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented and maintained to temporarily stabilize the stockpiled soils until such time that they are reused and/or permanently stabilized.
8. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff is highly encouraged.

Thank you for the opportunity to comment. If you have any questions regarding this letter, please contact me at (760) 243-2444 ([andrew.robinson@waterboards.ca.gov](mailto:andrew.robinson@waterboards.ca.gov)) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 ([jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov)).



Andrew Robinson  
Environmental Scientist

cc: California Department of Fish and Wildlife ([R6LSA@wildlife.ca.gov](mailto:R6LSA@wildlife.ca.gov))  
State Clearinghouse (SCH 2021100184) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))