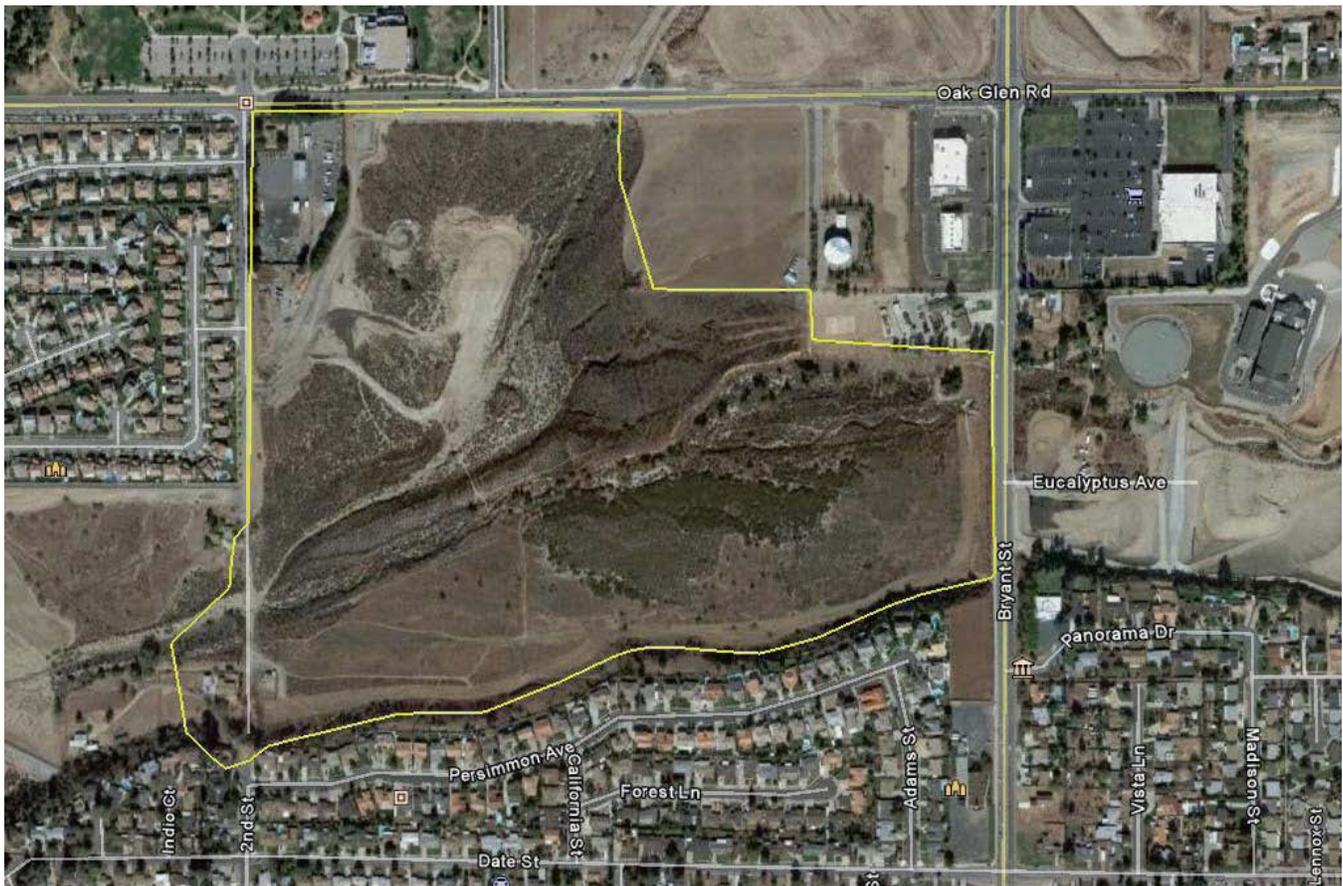




— BUREAU OF —
RECLAMATION

National Environmental Policy Act Finding of No Significant Impact

Wilson Basin III, City of Yucaipa, San Bernardino County, California



Mission Statements

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.



— BUREAU OF —
RECLAMATION

**National Environmental Policy Act
Finding of No Significant Impact**

No. 14-SCAO-014-FONSI

Wilson III Basin Groundwater Recharge and Water Management Project
San Bernardino County, California

The Bureau of Reclamation (Reclamation) is providing Water and Energy Efficiency Grant funding for the City of Yucaipa to construct the Wilson III Basin Groundwater Recharge and Water Management Project in San Bernardino County, California. The project will construct a flood control basin and groundwater recharge area within the Open Space District of the Oak Glen Creek Specific Plan.

Based on our review of the Revised Final Environmental Impact Report (EIR) for the **Oak Glen Creek Specific Plan Case No. 16-048/SP** (SCH No. 2016051024) we have determined that the financial assistance does not constitute a major federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). Accordingly, preparation of an environmental impact statement is not required.

Recommended: _____ Date: _____
Doug McPherson, Environmental Protection Specialist

Reviewed By: _____ Date: _____
Deb Whitney, Water Conservation Specialist

Approved: _____ Date: _____
John E. Simes, Jr., (Acting) Area Manager

Cover Aerial Photo: showing the boundary of the 115.6-acre Oak Gen Creek Specific Plan Area, the City of Yucaipa, San Bernardino County, California (latitude 34.044211, longitude -117.043148). From the Initial Proffered Standard Individual Permit (File No. SPL-2016-00779-VN), Army Corps of Engineers.

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Grant Agreement no. R14AP00166 provides funds to construct detention and recharge basins within the 57.6-acre Open Space District component of the 115.6-acre Oak Glen Creek Specific Plan. The new basins will create additional flood storage and improved aquifer recharge capability. The effects of the project were evaluated pursuant to the California Environmental Quality Act (CEQA) in the Revised Final EIR for the Oak Glen Creek Specific Plan (SCH No. 2016051024).

PURPOSE AND NEED

The primary need is flood attenuation and sediment reduction to alleviate existing downstream flooding along Wilson Creek, providing protection for private properties, roadways, and other public infrastructure. Realignment of Wilson Creek and channelization of Oak Glen Creek into a retention basin will increase stormwater retention capability, increase groundwater recharge, and improve downstream water quality. Portions of the Oak Glen Creek Specific Plan will be removed from Federal Emergency Management Agency flood hazard zone designation.

AUTHORITY

Section 9504 of the Secure Water Act, Subtitle F of Title IX of Public Law 111-11, the Omnibus Public Land Management Act of 2009. (42 USC 10364, 123 Stat. 1334).

PROJECT DESCRIPTION

Under the grant agreement the City of Yucaipa will provide modifications to basin inlets, outlets, spillways and basin-to-basin drains enabling the facility to expand the capture of native and artificial waters for recharge of the aquifer. The inlet modifications will allow major storm flows, laden with sediment and debris, to bypass the spreading basin area, while allowing the lower and cleaner flows from Wilson Creek to enter the basin for spreading purposes.

The water infrastructure modifications will be located within the Open Space District of the Oak Glen Creek Specific Plan, a long-term guide for development of the 115.6-acre specific plan area to accommodate three major components: a Residential District, an Open Space District, and an Innovation District. The Open Space District covers 57.6 acres and represents an important link in the Yucaipa flood control system. Upstream and downstream facilities collect and convey stormwater flows through the City. The Open Space District will link with and expand the existing system by ensuring adequate channel capacity for stormwater flows. It will increase system retention and percolation capabilities with a single detention basin and a meandering stream.

Development within the Open Space Area will be limited to what is necessary for flood control, drainage, stormwater retention/detention, and open space and recreational uses. No buildings for human occupancy will be allowed. Buildings related to recreation and/or resource conservation, such as restrooms, and providing an area for general public information on water and biological resources are envisioned for the eastern side of the Open Space District.

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

NEPA requires review of a proposed Federal action to determine its impact on the human environment. Council on Environmental Quality (CEQ) regulations direct Federal agencies to cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements (40 CFR 1506.2). Department of Interior regulations for implementing NEPA encourage tiering of environmental documents and provide for adoption of existing environmental documents if, upon evaluation by a responsible official, it is found to comply with relevant provisions of the CEQ regulations.

Reclamation staff reviewed the EIR for the Oak Glen Creek Specific Plan and concluded that it adequately identifies and discloses the reasonably foreseeable environmental effects of the action. We adopt the document as our Environmental Assessment in accordance with regulations for implementing NEPA promulgated by CEQ at 40 CFR 1506.3 and by Department of the Interior at 43 CFR 46.320(a).

SUMMARY OF FINDINGS

The EIR identified no significant and unavoidable adverse impacts from implementation of the project. Measures were identified to avoid or mitigate impacts to Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Transportation and Traffic, and Tribal Cultural Resources.

The Yucaipa City Council conduct a public hearing on February 26, 2018, and adopted Resolution No. 2017-47, approving the Oak Glen Creek Specific Plan; certifying that the Revised Final EIR was completed in compliance with CEQA; and accepting the mitigation measures identified in the Revised Final EIR. A Mitigation Monitoring and Reporting Program was also approved. Notice of Determination was filed with the State Clearinghouse on February 28, 2018.

OTHER FEDERAL CONSIDERATIONS

Clean Air Act

The South Coast Air Basin is designated extreme nonattainment for 8-hour ozone and nonattainment for particulate matter with of 10 microns or less (PM19). The air basin is in attainment/maintenance for nitrogen dioxide (NO₂) and is in attainment for all other National Ambient Air Quality Standards. Construction NO_x and VOC emissions will not exceed the *de minimis* thresholds at 40 CFR 93.153(b). No conformity determination is required.

Clean Water Act

The Army Corps of Engineers approved a Clean Water Act section 404 permit (No. SPL-2016-00779-VN) on March 20, 2020, authorizing the discharge of fill into 1.92 acres of non-wetland waters of the United States. The Santa Ana Regional Water Quality Control Board approved an amended section 401 water quality certification on September 9, 2019 (SARWQCB Project No. 362016-28).

Mitigation for jurisdictional impacts will be provided on-site within the proposed project area, within the Wilson III Basin Property preserve area, and at three off-site conservation areas in the City of Yucaipa. The December 2019 Habitat Mitigation and Monitoring Plan was approved by the Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife.

To reduce indirect impacts from urban runoff, the City will implement best management practices required by the National Pollutant Discharge Elimination System (NPDES) administered by the Santa Ana Regional Water Quality Control Board and by the San Bernardino County Stormwater NPDES permit

Endangered Species Act

Protocol surveys were conducted for endangered San Bernardino kangaroo rat and threatened coastal California gnatcatcher in 2012 and 2017, with negative results. Focused botanical surveys were conducted in spring 2012 and 2017. No federal listed endangered or threatened species have been observed. No critical habitat is designated within the action area.

National Historic Preservation Act

No properties listed or eligible for listing in the National Register of Historic Places were identified within the Area of Potential Effect.

Migratory Bird Treaty Act

Onsite vegetation communities represent suitable nesting habitat for common and sensitive resident and migratory bird species with the potential to occur within the project site. Impacts to nesting birds will be avoided by preconstruction surveys, ongoing monitoring, and (if needed) minimization measures.

Water Resources

Realignment of Wilson Creek and channelization of Oak Glen Creek into a retention basin will increase stormwater retention capability, increase groundwater recharge, and improve downstream water quality.

Prime and Unique Farmlands

The Specific Plan area is designated as grazing land or developed by the California Farmland Mapping and Monitoring Program. There is no prime or unique farmland, farmland of statewide importance, or locally important farmland within the Specific Plan area.

Wetlands

No jurisdictional wetlands will be affected. The project will discharge fill into 1.92 acres of non-wetland waters of the United States. Measures required by the Army Corps of Engineers, the Regional Water Quality Control Board, and California Department of Fish and Wildlife include enhancement of 2.04 acres of waters of the U.S. described in the approved "Habitat Mitigation and Monitoring Plan for the Wilson III Basin Specific Plan Project" (December 2019). A total of 28.6 acres will be enhanced, rehabilitated, or established, and preserved in perpetuity under a conservation easement.

Floodplains

Implementation of the project will impact mapped 100-year floodplains. Portions of the project site are within the 100-year flood hazard area along Oak Glen Creek and Wilson Creek. Flood Insurance Rate Map (FIRM) No. 06071C8745H, effective on August 28, 2008, covers the project site. Wilson Creek is a regional channel that provides major flood control protection for a large part of Yucaipa and is critical to the City's flood control plan.

The City of Yucaipa is a participating community in the National Flood Insurance Program. The primary purpose of the project is to realign and improve Wilson Creek and Oak Glen Creek for flood control and groundwater management. Implementation of the project will take most of the site out of the 100-year flood hazard zone, allowing development to occur in the Specific Plan area. Portions of the Specific Plan area will be removed from Federal Emergency Management Agency flood hazard zone designations.

Socioeconomic Resources

Adverse socioeconomic impacts are not expected. The project will provide drought year reliability, improve local water supplies, sustain municipal water demands, and support economic vitality in the area. Future development within the Specific Plan area will result in population growth by introducing 200 single-family homes and 570 residents. The growth is within the Southern California Association of Governments' projections and would not substantially affect the jobs-housing ratio.

Environmental Justice

No Environmental Justice impacts are anticipated. The project will not cause disproportionately high and adverse human health or environmental effects. The Specific Plan was prepared and adopted under a Sustainable Communities Strategy that incorporates principles of social equity and environmental justice.

Indian Trust Assets

The Southern California office of the Bureau of Indian Affairs was contacted to identify any Indian Trust Assets in the project area. No Indian Trust Assets were identified.

Wild and Scenic Rivers

No Wild & Scenic Rivers or waterways listed on the National Rivers Inventory are involved.

Coastal Zone

The project is more than 50 miles inland from the California Coastal Zone Boundary. No coastal resources will be affected.

Coastal Barrier Islands Protection Act

The federal expenditure will not tend to encourage development or modification of coastal barriers. The project is not within any units of the Coastal Barrier Resources System. The Coastal Barrier Resource Act applies on the Atlantic, Gulf, and Great Lakes coasts. No system units are located along the Pacific coast.

Sole Source Aquifers

The Yucaipa Groundwater Basin is not an EPA-designated sole source aquifer.

AGENCY CONSULTATION AND COORDINATION

U.S. Fish and Wildlife Service

Consultation under section 7 of the Endangered Species Act is not required. There will be no effects to listed species or designated critical habitat areas.

California State Historic Preservation Officer (SHPO)

The Army Corps of Engineers consulted with the California SHPO under section 106 of the National Historic Preservation Act. The SHPO concurred with a finding of “*No Historic Properties Affected*” on November 8, 2018.

California Coastal Commission

Coastal Zone Coastal Zone Management Act consistency certification is not required.

U.S. Natural Resources Conservation Service

Farmland Protection Policy Act consultation is not required.

Tribal Consultation

The City invited tribal contacts to consult on the Oak Glen Creek Specific Plan. The Army Corps of Engineers also contacted the California Native American Heritage Commission and was advised that sacred sites associated with the San Manuel Band of Mission Indians are in the vicinity and may be impacted by the project. The San Manuel Band of Mission Indians and the Soboba Band of Luiseño Indians requested a Discovery, Monitoring, and Treatment Plan and an on-site tribal monitor during construction. The City agreed to provide a monitor and will work with the Soboba Band of Luiseño Indians and the San Manuel Band of Mission Indians on a Discovery, Monitoring, and Treatment Plan.

ENVIRONMENTAL COMMITMENTS

Mitigation measures in the EIR and the Habitat Mitigation and Monitoring Plan will be implemented. The mitigations self-imposed by the City under CEQA and the additional habitat mitigations required by the Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife are ameliorative design elements per 43 CFR 46.130(b). No additional environmental commitments are required by Reclamation.

REFERENCES

Revised Final Environmental Impact Report for the Oak Glen Creek Specific Plan Case No. 16-048/SP (SCH No. 2016051024), City of Yucaipa, prepared by PlaceWorks, Santa Ana, California, February 2018.
http://yucaipa.org/wp-content/uploads/dev_svcs/EIR/OGCSP/RevisedFinalEIR.pdf

ATTACHMENTS

California SHPO concurrence



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

November 08, 2018

In reply refer to: COE_2018_0921_002

Ms. Pam Kostka
Sr. Project Manager
North Coast Branch, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017

Subject: Section 106 Consultation for construction of a new flood control basin and appurtenant channel lining in the city of Yucaipa, San Bernardino County, California (COE File #: SPL-2017-00661)

Dear Ms. Kostka:

The California State Historic Preservation Officer (SHPO) received a letter from the U.S. Army Corps of Engineers (COE) on September 21, 2018 initiating consultation on the above referenced project in order to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 CFR Part 800. The COE also provided additional information via email on November 02, 2018. The COE is requesting comments on their finding of effect for the proposed undertaking and have provided the following documents for review:

- *Supplemental Cultural Resources Report for the Wilson Basin III Specific Plan Project* (Dudek, January 2018).
- *Cultural Resources Assessment for the Wilson Creek Business Park Project, City of Yucaipa, San Bernardino County, California* (Cogstone, 2011).
- *Cultural Resources Assessment Wilson III Project Additional Drainage Area Yucaipa, San Bernardino County, California* (BCR Consulting LLC, November 2014).
- *Cultural Resources Assessment Wilson III Project Yucaipa, San Bernardino County, California* (BCR Consulting LLC, January 2015).
- Copies of Native American consultation letters and email correspondence.

The COE is proposing to issue a permit under Section 404 of the Clean Water Act to the City of Yucaipa (Applicant) to construct a flood control basin, storm water recharge area, and appurtenant channel lining. The proposed project would cause permanent impacts to 1.68 acres of Waters of the U.S. on a 116-acre property. The COE has defined the Area of Potential Effects (APE) as the entire 116-acre project

site. The vertical APE extends to 12 feet below ground surface, the lowest point of the flood control basin.

Cogstone conducted a records search at the San Bernardino Archaeological Information Center in April 2011, and a pedestrian archaeological survey in April 2011 and recorded four resources on the project site: a rock and dirt berm (P-36-023369), a rock and concrete wall (P-36-023368), a glass scatter (P-36-023367), and a historic trash scatter (P-36-023366/CA-SBR-14756H). BCR Consulting LLC (BCR) conducted two additional records searches and pedestrian surveys for portions of the project site that were added in 2014. Two additional resources were recorded in the expanded project area: historic period residences at 11648 2nd Street and 11568 2nd Street, which BCR recommended as not eligible for listing on the National Register of Historic Places (NRHP). The COE has clarified that 11568 2nd Street is within the project boundaries and will be acquired by the City for temporary storage of the surplus material from the basin during construction. The property at 11648 2nd street will not be impacted by the project.

Dudek re-visited the four sites previously recorded by Cogstone in January 2018 and excavated two shovel test pits at P-36-023366, which indicated that the site does not contain subsurface deposits. Dudek evaluated all four archaeological sites for their eligibility for listing on the NRHP. The COE has determined, based on Dudek's recommendations, that the four sites are not eligible for listing on the NRHP under any criteria.

The COE contacted the Native American Heritage Commission (NAHC) and received a response stating that sacred sites associated with the San Manuel Band of Mission Indians are located in the vicinity and may be impacted by the project. The COE sent letters to the Native American contacts provided by the NAHC on. Several responses were received, but no specific resources were identified in the APE. The San Manuel Band of Mission Indians and the Soboba Band of Luiseño Indians responded with requests for a Discovery, Monitoring, and Treatment Plan and to have a tribal monitor on-site during construction. The Agua Caliente Band of Cahuilla Indians, the Augustine Band of Cahuilla Indians, and the Morongo Band of Mission Indians also requested tribal monitors. The COE has stated that the Applicant has agreed to provide a monitor and will work with the Soboba Band of Luiseño Indians and the San Manuel Band of Mission Indians on a Discovery, Monitoring, and Treatment Plan.

The COE has concluded that issuing a permit for this undertaking would result in "no effect to historic properties" and has requested the SHPO's review and comment on the adequacy of their historic property identification efforts, eligibility determinations, and finding of effect. After reviewing the submitted materials, the following comments are provided:

- Pursuant to 36 CFR 800.4(b), the historic property identification efforts carried out for this undertaking appear to be adequate.
- Pursuant to 36 CFR 800.4(c)(2), the COE has determined that sites P-36-023369, P-36-023368, P-36-023367, and P-36-023366/CA-SBR-14756H are not eligible for listing on the NRHP. **I concur.**
- Although the COE has not requested concurrence on eligibility determinations for the properties at 11648 2nd Street and 11568 2nd Street, based on the recommendations of the consultant, **I concur** that these properties are not eligible pursuant to 36 CFR 800.4(c)(2).
- Pursuant to 36 CFR 800.4(d)(1), it appears that there are no historic properties located within the APE and, therefore, **I do not object** to a finding of *no historic properties affected* for this undertaking.
- Be advised that in the event of an unanticipated discovery the Corps will have additional responsibilities for this undertaking, including consultation with this office, pursuant to 36 CFR 800.13(b).

For more information or if you have any questions, please contact Koren Tippett, Archaeologist, at (916) 445-7017 or koren.tippett@parks.ca.gov or Kathleen Forrest, Historian, at (916) 445-7022 or kathleen.forrest@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer