

## 1.0 INTRODUCTION

The U.S. Fish and Wildlife Service (USFWS), is proposing to:

- Issue incidental take permits for 30 years consistent with the Upper Santa Ana River Wash Plan Habitat Conservation Plan (HCP) for the following covered species: the federally endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*, SBKR), Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*, woolly-star), slender-horned spineflower (*Dodecahema leptoceras*, spineflower); the federally threatened coastal California gnatcatcher (*Polioptila californica californica*, gnatcatcher); and the cactus wren (*Campylorhynchus brunneicapillus*).

This Proposed Action is evaluated in this Draft Environmental Impact Statement/ Supplemental Environmental Impact Report (DEIS/SEIR) pursuant to the National Environmental Policy Act (NEPA). The HCP Covered Activities are the Proposed Projects by the Conservation District and other local lead agencies that are evaluated in this DEIS/SEIR pursuant to the California Environmental Quality Act (CEQA). Covered Activities are activities that may result in take of listed species that are mitigated through implementation of the HCP. Covered Activities include construction and/or operation and maintenance of land or facilities associated with the following: Aggregate Mining; Water Conservation; Wells and Water Infrastructure; Transportation; Flood Control; Trails; Habitat Enhancement; and Agriculture.

Existing land uses in the HCP Area (Plan Area) consist of water conservation and storage facilities, flood control, habitat conservation, aggregate mining, agriculture, and roadways. Aggregate mining occurs in the western half of the Plan Area, while the Conservation District maintains water spreading basins in the eastern section. The San Bernardino County Flood Control District (SBCFCD) maintains flood control facilities along the Santa Ana River, Mill Creek, Plunge Creek, and City Creek. Implementation of the HCP would offset environmental effects to the Covered Species from the ground-disturbing activities of water conservation, aggregate mining, transportation improvements, recreational activities, and other public services in the Plan Area with species habitat conservation measures. Land supporting these species will be preserved, managed and monitored in perpetuity to mitigate the effects on covered species. The HCP is a part of the Incidental Take Permit (ITP) applications submitted by the Conservation District and SBCFCD to the USFWS. Other entities (Task Force Members) have also participated in the development of the HCP and wish to receive coverage for their planned projects. They include the City of Redlands (including Municipal Utilities), the City of Highland, San Bernardino Valley Municipal Water District (SBVMWD), East Valley Water District (EVWD), Cemex Construction Materials Pacific, LLC (Cemex), and Robertson's Ready Mix (Robertson's). The SBCFCD is pursuing a separate Implementing Agreement (IA) and ITP under the HCP. The Bureau of Land Management (BLM) will serve as a cooperating agency in the development of this EIS/SEIR.

Incidental take authorization for covered activities affecting federally listed species is being sought under Section 10(a)(1)(B) of the Federal Endangered Species Act (FESA) and for incidental take of state-listed species (woolly-star and spineflower) sought under Section 2081 of the California Fish and Game

Code. Take of federally listed species on BLM land will be authorized through a separate but related consultation between the BLM and the USFWS under Section 7 of FESA.

## 1.1 PROJECT SETTING

The Plan Area, located in southwestern San Bernardino County, California, is approximately one mile downstream of the Seven Oaks Dam (refer to Figure 1.0-1, *Regional Context and Wash Plan HCP Area Boundary*). The Plan Area encompasses approximately 4,892.2 acres, extending approximately six miles westward from Greenspot Road in the City of Highland to Alabama Street in the City of Redlands. The Plan Area contains both public and private lands supporting a variety of functions. The principal landowners in the Plan Area are the Conservation District, the SBCFCD, the BLM, the City of Highland, the City of Redlands, and Robertson's Ready Mix.

Greenspot Road forms the northern and eastern boundary of the Plan Area and the bluffs on the south side of the Santa Ana River generally form the southern boundary (refer to Figure 1.0-2, *USGS Topographic Map*). The Plan Area is located on an alluvial plain that provides excellent geological conditions for groundwater recharge. The geological conditions also provide excellent aggregate resources for construction materials such as gravel and sand.

Refer to Table 1.0-1, below, and Figure 1.0-3, *Ownership within the Wash Plan HCP Area* for a map of these ownership designations.

**Table 1.0-1: Ownership in the Plan Area**

<b>Ownership</b>	<b>Acres in Plan Area</b>
<b><i>Planned Participants</i></b>	
San Bernardino Valley Water Conservation District	1,906.9
San Bernardino County Flood Control District	1,034.6
BLM	972.3
Robertson's Ready Mix	338.8
City of Redlands	159.6
City of Highland	39.9
East Valley Water District	25.0
San Bernardino Valley Municipal Water District	8.2
<b><i>Non-Planned Participants</i></b>	
Private	198.7
Right-of-way Holders	149.8
Caltrans	37.6
Orange County Flood Control District	14.8
Metropolitan Water District	5.5
<b>Total</b>	<b>4,892.2</b>

Easements and existing mitigation areas that overlap the Plan Area include a Conservation District conservation easement established as mitigation for an aggregate vehicle haul road, the Woolly-star Preserve Area (WSPA) that was established as mitigation for the Seven Oaks Dam and the City of Highland's biological mitigation area. The majority of BLM-administered land in the Plan Area is designated as the Santa Ana River Wash ACEC and Research Natural Area (RNA) (refer to Appendix A Figure 1.0-4, *Easements, Right-of-Ways, and ACEC*)).

The primary goal of the HCP is to balance the ground-disturbing activities of water conservation, aggregate mining and other public services in the area with the conservation of natural communities and populations of special-status plants and wildlife. Refer to Figure 1.0-5, *Overview of Wash Plan HCP* for the collective areas of conservation (2,302 acres), mining (1,040 acres), and water conservation (253 acres) proposed in the Plan Area.

For planning and implementation, the Plan Area is divided into eight subcomponents (refer to Figure 1.0-6, *Wash Plan HCP Subcomponents*)). The HCP Preserve includes three subcomponents: (1) District Conserved Lands, (2) District Managed Lands, and (3) San Bernardino County Flood Control District (SBCFCD) Conserved Lands. These are the areas identified as mitigation to offset the impacts of the Wash Plan HCP Covered Activities. Figure 1.0-6 also displays existing Conservation Areas and a proposed SBCFCD Mitigation Area not covered by the HCP within the Plan Area. There are three main categories of Covered Activities: aggregate mining, groundwater facilities, and all other Covered Activities. Lands not affected by impacts associated with Covered Activities and not included in the HCP preserve or Other Conservation Areas comprise Neutral Lands. Any remaining lands are private inholdings or Caltrans rights-of-way and are not a part of the Plan Area. Subcomponents are further described below.

### **1.1.1 HCP PRESERVE**

1. District Conserved Lands – lands that during HCP phasing would be owned and managed by the Conservation District providing permanent conservation for the five Covered Species and their habitat under the HCP. These areas include lands currently owned by the Conservation District and by the City of Redlands, and lands included in the proposed land exchange between BLM and the Conservation District.
2. SBCFCD Conserved Lands – lands that will be permanently conserved and managed for the five species covered by the HCP and under the SBCFCD IA and ITP. These areas include lands owned by SBCFCD.
3. District Managed Lands – lands that include certain BLM-administered lands and 42.29 acres of WSPA<sup>1</sup> lands for which the HCP will provide additional management and monitoring of HCP implementation by the Conservation District for the benefit of the Covered Species. These areas will include those lands retained by BLM after the land exchange (acquired lands) and a portion of the BLM-administered lands received by the Conservation District in the exchange.

### **1.1.2 COVERED ACTIVITIES**

1. Mining Impact Areas – the areas in which existing aggregate mining operations by Robertson's Ready Mix and Cemex would continue and expand as delineated in the HCP in the land exchanged between BLM and the Conservation District.
2. Other Covered Activities Areas – the areas where non-mining Covered Activities are planned, including operations and maintenance (O&M) of existing facilities and construction of new facilities.

### **1.1.3 OTHER AREAS WITHIN THE PLAN AREA BOUNDARY**

1. Existing Conservation Lands – In addition to BLM-administered lands, two other areas within the Plan Area have already been placed in conservation:
  - a. Santa Ana River Woolly-Star Preserve Area (WSPA) – an existing 544.5-acre area preserve established as mitigation for impacts on SBKR, spineflower, and woolly-star resulting from the construction and operation of the Seven Oaks Dam.
  - b. Highland Biological Mitigation Area – this mitigation area includes 20 acres (two 10-acre parcels) purchased and set aside by the City of Highland to mitigate for a project located outside of the Plan Area. The mitigation area was set aside for preservation. No conservator and no endowment set aside are identified for long-term management of

---

<sup>1</sup> The Conservation District will provide additional management of 43.5 acres of land that is being added to the WSPA through a land exchange between SBCFCD and Robertson's.

the parcels.

2. Future SBCFCD Mitigation Area – approximately 150.9 acres of alluvial habitat in the active channel of the Santa Ana River immediately south of the WSPA is identified as Future Flood Control Mitigation Area and is available for mitigation of future SBCFCD infrastructure construction and maintenance activities not covered by the HCP.
3. Neutral Lands – areas within the Plan Area not expected to be impacted by Covered Activities and not designated as conservation areas (existing or proposed with the HCP). These lands would be monitored for highly invasive weeds such as mustards and pepperweeds (but not non-native grasses) to ensure the lands are not a source for infestation of conserved and managed lands. Management would occur when additional resources are available.
4. Not A Part – lands owned by other entities including areas within the Caltrans right-of-way along State Route 210, and other lands with private owners who are Non-Planned Participants or a Task Force Member/Participating Entity under the HCP. These areas are inholdings in the Plan Area and are not addressed by the HCP.

## **1.2 HISTORY OF THE PROPOSED ACTION**

For a detailed history of the proposed action see section 1.1.3 of the Wash Plan HCP.<sup>2</sup>

## **1.3 PURPOSE**

The purpose of the USFWS action is to protect and conserve multiple Endangered Species Act (ESA) listed species and other native species; to conserve, enhance and restore the habitat and ecosystems upon which these species depend upon; and to ensure the long-term survival of these species, within the Santa Ana River Wash.

## **1.4 NEED**

The need for the proposed action is to respond to the Conservation District's application for an ITP under the authority of section 10(a)(1)(B) of the ESA to take certain Covered Species as a result of their proposed aggregate mining, water conservation, wells and water infrastructure, transportation, flood control, trails, habitat enhancement, and agriculture.

The Santa Ana Rivers Wash's biodiversity has diminished as urban growth has caused wildlife habitat to become more fragmented, forming isolated small blocks of land and causing endangered species conflicts. There is an urgent need to preserve remaining biodiversity, while minimizing constraints to urban development, aggregate mining, water conservation and other uses in the Plan Area. The federally listed endangered SBKR, and threatened gnatcatcher are known to occur within the Plan Area. The USFWS has designated portions of the Plan Area as critical habitat for SBKR.

---

<sup>2</sup> See <https://www.sbvwd.org/docman-wash-plan/hcp/5218-january-2018-public-review-draft-wash-plan-hcp/file.html>.

## 1.5 CEQA OBJECTIVES

The purpose of the Proposed Action is to allow the continued use of land and mineral resources while maintaining and enhancing the biological and hydrological resources of the Plan Area in an environmentally sensitive manner. Implementation of the HCP is intended to coordinate and manage the present and future activities in the Plan Area, which is part of multiple jurisdictions, each with different needs. The goal of the HCP is to balance the ground-disturbing activities of aggregate mining, recreational activities, water conservation, and other public services with quality, natural habitat for special-status plant and wildlife species. Objectives of the HCP are:

- Ensure the continued ability of the Conservation District to replenish the Bunker Hill Groundwater Basin with native Santa Ana River water using existing and potential future water recharge facilities in the Plan Area;
- Ensure the continued ability of the SBCFCD to protect land and property by managing the floodwaters of the Santa Ana River and its local tributaries (Mill Creek, Plunge Creek, and City Creek);
- Accommodate the relocation and expansion of aggregate mining quarries, to help ensure long-term availability of high quality aggregate reserves located within the Plan Area for local and regional use, consistent with the MRZ-2 designation for reserves in this area, and do so on land adjacent to existing quarries, that have mostly been disturbed;
- Accommodate improvements to existing arterial roads and highways to provide safe modes of travel;
- Accommodate other small projects and future Operations and Maintenance of facilities within the Plan Area;
- Provide public access in the form of recreational trails when funding for their management becomes available;
- Conserve and enhance populations of Covered Species and their habitats in the Plan Area by conserving land in a configuration and area sufficient to maintain ecological processes, and protect core habitat areas and the connections between them;
- Avoid and minimize effects on Covered Species and their habitats during Covered Activities; and
- Actively manage conserved lands within the Plan Area for the benefit of Covered Species, including control of invasive plant species, selective vegetation thinning, revegetation, development of specific habitat enhancement projects and species and habitat monitoring.

## 1.6 DEIS/SEIR PROCESS

The intent of this DEIS/SEIR is to inform the USFWS and representatives of other affected/responsible agencies, the public, and other interested parties of the potential environmental consequences that may be associated with the Proposed Action/Projects and to present a reasonable range of alternatives. The

DEIS/SEIR has been prepared in accordance with NEPA, 40 Code of Federal Regulations (C.F.R.) Part 1500, the guidelines and regulations for NEPA as administered by the Council on Environmental Quality (CEQ).

The USFWS is the Federal Lead Agency responsible for the preparation of this DEIS/SEIR in compliance with the requirements of NEPA and the CEQ regulations for implementing NEPA (40 C.F.R. 1500-1508). NEPA mandates that Federal agencies consider the environmental consequences of their actions. When a Federal agency determines that a Proposed Action may “significantly affect the quality of human environment,” preparation of an EIS is required (42 U.S.C. 4332 (2) (c)).

Notice of Intent (NOI) to prepare a Supplemental DEIS for the SCRMP Amendment for the Proposed Upper Santa Ana River Wash Plan HCP and land exchange was published in the *Federal Register* on March 3, 2015 (Volume 69, Number 80). The NOI announced that the DEIS would be a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to assess the land exchange between the BLM and the Conservation District and the amendment of the SCRMP. The NOI also announced the intent to prepare and analyze a detailed HCP for the Upper Santa Ana Wash that would include goal and objectives for species and habitats, Covered Activities, Mitigation and Monitoring Protocols, as well as Adaptive Management. As federal co-leads, BLM and USFWS conducted two scoping meetings to solicit public comments on the preparation of an EIS and SEIR to analyze the proposed land exchange between BLM and the San Bernardino Valley Water Conservation District (Conservation District) and issuance of an incidental take permit by FWS. The land exchange would include up to 400 acres of BLM-administered public lands within the Upper Santa Ana River Wash Area.

On March 12, 2019, President Trump signed the Natural Resources Management Act (S. 47), which included specific guidelines directing the land exchange between the BLM and the Conservation District (Section 1003). As a result, the BLM is withdrawing as the co-lead in the preparation of this EIS, and will now serve as a cooperating agency in the development of this EIS. The BLM will implement actions in the legislation to initiate/facilitate the land exchange, but is no longer required to conduct an analysis under the National Environmental Policy Act.

The USFWS will continue to serve as the federal lead agency in the development of the EIS/EIR, in collaboration with the Conservation District, a political subdivision of the State of California. The land transfer and modification to the SCRMP will be covered by separate NEPA analysis by BLM where required.

This DEIS/SEIR has been filed with the United States Environmental Protection Agency (EPA), and issued for public review and comment. The public review period for the DEIS will last at least 45 days from the date when EPA’s Notice Of Availability is published in the Federal Register for the DEIS/SEIR. Depending on the number and complexity of comments received and any additional analysis required, USFWS will either select or, if necessary, revise the preferred alternative. USFWS will then issue the Final EIS/SEIR. After the release of the Final EIS/SEIR, USFWS will circulate the Final EIS/SEIR for at least 30 days prior to making a decision on the Proposed Action. The 30-day time period of a Final EIS/SEIR begins on the date

of the publication in the Federal Register. USFWS may adopt an EIS/SEIR only after they determine that it meets the standards for EIS adequacy under NEPA. After the EIS/SEIR has been adopted, USFWS will make a decision on the Proposed Action and will issue a Record of Decision (ROD) explaining why the agency has taken its particular course of action.

An EIR was prepared for the Upper Santa Ana River Wash Plan and certified in 2008 by the Conservation District's Board of Directors. After the certification of that EIR the current Santa Ana River Wash HCP was developed with USFWS. In conjunction with USFWS, the Conservation District decided to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to analyze the detailed Santa Ana Wash HCP. A Notice of Preparation (NOP) to prepare a joint EIS/Supplemental EIR was filed with the State Clearinghouse (SCH# 2015031022) by the Conservation District on March 5, 2015 for a public and agency review of 30 days, through April 3, 2015. The NOP was also filed with the San Bernardino County Clerk of the Board.

The DEIS/SEIR has been prepared in accordance with CEQA, (Public Resources Code 21000-21189) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) as administered by the Governor's Office of Planning and Research (OPR). For the Proposed Projects/Covered Activities the Conservation District is the Lead Agency for the preparation of this DEIS/SEIR in compliance with the requirements of CEQA. This DEIS/SEIR has been distributed to responsible and trustee agencies, other affected agencies, and interested parties. Additionally, in accordance with Public Resources Code 21092(b)(3), the DEIS/SEIR has been provided to all parties who have previously requested copies. Notice of Completion and Availability of the DEIS/SEIR has been distributed as required by CEQA. During the 45-day public review period, the DEIS/SEIR and technical appendices are available for review.

After the 45-day public review period, written responses to all environmental issues raised will be prepared. The responses to public agencies will be provided at a minimum of 10 days prior to the public hearing before the Conservation District's Board of Directors, at which time the certification of the Final EIS/SEIR will be considered. The Final EIS/SEIR, which includes the Draft EIS/SEIR, the responses to public and agency comments, and findings will be considered by the Conservation District and USFWS decision-makers.



## **1.7 DECISION FRAMEWORK**

### **1.7.1 PUBLIC SCOPING**

The public scoping process was used to actively obtain input from the public and interested Federal, State, Tribal, and local agencies regarding the Proposed Action/Projects. Two public scoping meetings were held to solicit public comment as to the scope of the DEIS/SEIR. The first scoping meeting was held in the Conservation District's office in the City of Redlands on March 18, 2015 at 2:00 PM and the second later that same day at 6:00 PM. Opportunity for public comment (both oral and written) was provided (refer to Section 5.1, *Public Involvement and Scoping*, of this DEIS/SEIR for additional information about the public scoping process and comments).

Information received during scoping assisted USFWS and the Conservation District in identifying potential environmental issues, impacts, project alternatives, and mitigation measures associated with the Proposed Action. The process provided a mechanism for focusing and clarifying the issues to address in the DEIS/SEIR.

Predominant issue areas identified during public scoping included: threatened, endangered, and other special status species; mineral resources; water resources; recreation; visual resources; cultural resources; land management; and traffic management.

### **1.7.2 PLANNING ISSUES**

A wide range of issues were identified and evaluated during development of the Proposed Action and the public scoping period. Issues relating to the following environmental elements identified to have potential direct and indirect effects from the Proposed Action/Projects are evaluated in Chapters 3, *Affected Environment* and 4, *Environmental Consequences* of this document. There are separate discussions of direct and indirect effects for NEPA and CEQA, respectively. For cumulative effects the NEPA and CEQA discussions are combined.

- Air Quality/Greenhouse Gases
- Geology and Mineral Resources
- Hydrology and Water Quality
- Biological Resources
- Socioeconomics/Population & Housing/Environmental Justice
- Noise
- Hazards
- Land Use
- Recreation

- Transportation Systems and Traffic
- Visual Resources
- Cultural Resources

Planning issues relating to other environmental elements were assessed to have no direct or indirect effects and/or less than significant impacts from the Proposed Action/Projects, the No Action Alternative, and the 2008 Land Management Plan. These environmental elements are identified below in Table 1.0-2, *Planning Issues*, and are not analyzed further in this DEIS/SEIR.

**Table 1.0-2: Planning Issues**

<b>Environmental Element</b>	<b>Proposed Action/Projects</b>	<b>No Action Alternative</b>	<b>2008 Land Management Plan</b>
Agriculture and Forestry	No impacts are anticipated because the citrus orchard would remain. The Proposed Action/Projects would not convert any Farmland to non-agricultural uses; would not conflict with existing zoning for agricultural use or Williamson Act Contract; would not conflict with zoning or cause rezoning of forest land; would not result in the loss or conversion of forest land; and would not involve other environmental changes that could result in a conversion of farmland. No further analysis is included in this DEIS/SEIR.	Same as the Proposed Action/Projects; No impacts are anticipated because the citrus orchard would remain. The No Action Alternative would not convert any Farmland to non-agricultural uses; would not conflict with existing zoning for agricultural use or Williamson Act Contract; would not conflict with zoning or cause rezoning of forest land; would not result in the loss or conversion of forest land; and would not involve other environmental changes that could result in a conversion of farmland. No further analysis is included in this DEIS/SEIR.	No impacts are anticipated because the citrus orchard would remain. The 2008 Land Management Plan would not convert any Farmland to non-agricultural uses; would not conflict with existing zoning for agricultural use or Williamson Act Contract; would not conflict with zoning or cause rezoning of forest land; would not result in the loss or conversion of forest land; and would not involve other environmental changes that could result in a conversion of farmland. No further analysis is included in this DEIS/SEIR.
Utility Services	The Proposed Action/Projects would not include the construction of habitable structures or a substantial increase in jobs that would increase the population in the area and therefore would not exceed wastewater treatment requirements, result in new construction of wastewater facilities or storm drain facilities, or exceed capacity of existing wastewater treatment facilities. The Proposed Action/Projects would not adversely affect landfills and covered activities would be completed in compliance with laws and regulations related to solid waste. An evaluation of water supplies is evaluated in the Hydrology and Water Quality sections of this document. No further analysis is included in this DEIS/SEIR.	Same as Proposed Action/Projects. The No Action Alternative would not include the construction of habitable structures or a substantial increase in jobs that would increase the population in the area and therefore would not exceed wastewater treatment requirements, result in new construction of wastewater facilities or storm drain facilities, or exceed capacity of existing wastewater treatment facilities. Ongoing operations and maintenance of public facilities and ongoing mining in accordance with existing permits and leases would not adversely affect landfills and would be completed in compliance with laws and regulations related to solid waste. No further analysis is included in this DEIS/SEIR.	The 2008 Land Management Plan would not include the construction of habitable structures or a substantial increase in jobs that would increase the population in the area and therefore would not exceed wastewater treatment requirements, result in new construction of wastewater facilities or storm drain facilities, or exceed capacity of existing wastewater treatment facilities. The 2008 Land Management Plan would not adversely affect landfills and covered activities would be completed in compliance with laws and regulations related to solid waste. An evaluation of water supplies is evaluated in the Hydrology and Water Quality sections of this document. No further analysis is included in this DEIS/SEIR.

Environmental Element	Proposed Action/Projects	No Action Alternative	2008 Land Management Plan
Public Services	No impacts are anticipated. The Proposed Action/Projects would not include the construction of habitable structures or a substantial increase in jobs that would increase the population in the area that would result in substantial adverse physical impacts. No additional services will be required for fire protection, police protection, schools, parks or other public facilities. Current local programs and policies for public safety would remain in place. Existing levels of public services, such as fire and police, which serve the area, would be adequate to serve any additional mining activities in the Plan Area that could indirectly result from the land exchange. No further analysis is included in this DEIS/SEIR.	No impacts are anticipated. The No Action Alternative would not include planned development that would include residential uses or substantial employment generating uses, therefore additional public services are not needed. No further analysis is included in this DEIS/SEIR.	No impacts are anticipated. The 2008 Land Management Plan would not include the construction of habitable structures or a substantial increase in jobs that would increase the population in the area that would result in substantial adverse physical impacts. No additional services will be required for fire protection, police protection, schools, parks or other public facilities. Current local programs and policies for public safety would remain in place. Existing levels of public services, such as fire and police, which serve the area, would be adequate to serve any additional mining activities in the Plan Area that could indirectly result from the land exchange. No further analysis is included in this DEIS/SEIR.

## 1.8 RELATIONSHIP TO OTHER POLICIES, PROGRAMS, AND PLANS

This section evaluates the consistency of the Proposed Action/Projects with several relevant policies, programs and plans, including state, county and local documents. In general, the Proposed Action/Projects would be consistent with applicable Federal, State and local plans, policies and regulations. Key plans that have been evaluated in this DEIS/SEIR, which are applicable to the activities on the exchanged lands include the following:

- South Coast Resource Management Plan (SCRMP): The Proposed Action/Projects include components that are subject to the BLM SCRMP (approved June 1994). The SCRMP provides policy guidance to manage the resource values and multiple uses of BLM-administered public lands. The SCRMP provides direction for the management of sensitive resources and open space, and balances the protection of these resources with potential uses such as recreation and mineral development.
- Woolly-star Preserve Area Multi-Species Habitat Management Plan (MSHMP): A plan was prepared for the WSPA in 1993 to guide the management of the woolly-star. The plan is a multi-species habitat management plan that also addresses spineflower and SBKR. The purpose of the MSHMP is to guide management of the WSPA lands to sustain all three of these covered species. The MSHMP identifies hierarchical objectives to guide implementation of all program elements associated with the WSPA management. Additionally, objectives for information management are provided to ensure data consistency and to facilitate management and retrieval of data over time. As part of the Wash Plan HCP the Conservation District will provide additional management of 43.5 acres of land that is being added to the WSPA through exchange between SBCFCD and Robertson's. Management of this portion of the WSPA is consistent with management outlined in the WSPA MSHMP.
- Memorandum of Agreement (MOA) Between the San Manuel Band of Serrano Mission Indians And San Bernardino Valley Water Conservation District: The purpose of this MOA between the Tribe and the Conservation District is to set out a process that will:
  1. Ensure that the Tribe and tribal members have access to plant materials used for cultural purposes. These plants are located within the Upper Santa Ana River Wash Plan Habitat Conservation area; land that is administered by the Conservation District.
  2. Provide and define a consistent MOA for the Tribe and Conservation District to carry out Native American traditional gathering and management of culturally important plants.
  3. Provide for mutual consultation, collaboration and cooperation by Tribe and Conservation District in order to identify, preserve culturally important plants in the Wash Conservation Area and ensure such materials are managed in a manner that promotes ecosystem health and utilizes traditional management practices where appropriate by the Native American communities.

4. Promote consistency and to develop opportunities and partnerships in the areas of mutual interest including an education component between the Tribe and Conservation District.

The Wash Plan HCP includes avoidance and minimization measures that the Tribe will follow when collecting plant material in the Plan Area.

- General Plans: As mentioned above, portions of the Plan Area are located within the city boundaries of Redlands, Highland and unincorporated San Bernardino County. Proposed projects in these areas are subject to consistency with the current General Plans for each jurisdiction. These local government entities have been Task Force members since the Task Force's inception. Each of these local jurisdictions have been involved in the development of the HCP, will be Participating Entities of the Incidental Take Permit and have agreed to amend applicable provisions of their respective General Plans to coincide with the HCP. For additional information on the Proposed Action/Projects consistency with applicable plans and policies, refer to Sections 3.5 and 4.5, Land Use Planning, of this DEIS/SEIR.

## 1.9 COMPLIANCE WITH RELEVANT FEDERAL AND STATE LAWS

This section evaluates the consistency of the Proposed Action/Projects with relevant Federal and State laws. In general, the Proposed Action/Projects would be consistent with Federal and State laws.

Key laws that have been evaluated in this DEIS/SEIR, which are applicable to the Proposed Action/Projects include the following:

- Multiple Use Mining Act of 1955
- Mining and Mineral Policy Act of 1970
- Surface Mining and Reclamation Act (SMARA) of 1975
- Federal Endangered Species Act (FESA) of 1973
- California Endangered Species Act (CESA)
- Federal Land Policy and Management Act (FLPMA) of 1976
- Federal Water Pollution Control Act (Clean Water Act)
- California Fish and Game Code
- Clean Air Act (CAA) of 1970
- Noise Control Act of 1972

Detailed descriptions of the laws and regulations pertaining to this DEIS/SEIR can be found in Appendix H.