JOSHUA BASIN WATER DISTRICT

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JOSHUA BASIN WATER DISTRICT
SPECIAL MEETING OF THE BOARD OF DIRECTORS
WEDNESDAY, SEPTEMBER 23, 2009 AT 7:00 PM
61750 CHOLLITA ROAD, JOSHUA TREE, CA 92252

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM
4. APPROVAL OF AGENDA
5. PUBLIC COMMENT

Pages 1-54

6. CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT FOR GROUNDWATER RECHARGE PROJECT

   That the Board adopt resolution number 09-852 certifying the Final Environmental Impact Report for the Recharge Basin and Pipeline Project, making written findings, adopting a Mitigation Reporting and Monitoring Program, issuing its statement of overriding considerations, approving Alternative Three (the site generally east of Sunburst Avenue and north of Highway 62) as the preferred site for the recharge basin, and approving the proposed project.

7. PUBLIC COMMENT
8. GENERAL MANAGER REPORT
9. DIRECTOR COMMENTS / REPORTS
10. ADJOURNMENT

The Board of Directors reserves the right to take action on items reserved for discussion only.

INFORMATION

During the "Public Comment" Item, please state your name and have your information prepared and ready to provide your comments to the Board. The District is interested and appreciates your comments. A 3-minute time limit may be imposed. Thank you.

Any person with a disability who requires accommodation in order to participate in this meeting should telephone Joshua Basin Water District at (760) 366-8438, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District's office located at 61750 Chollita Road, Joshua Tree, California 92252 during normal business hours.

JOSHUA BASIN WATER DISTRICT
SUPPLEMENTAL DATA SHEET
AGENDA ITEM #

Regular Meeting of the Board of Directors September 23, 2009

Report to: President and Members of the Board
From: Joe Guzzetta, General Manager

TOPIC: CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT FOR GROUNDWATER RECHARGE PROJECT

RECOMMENDATION: That the Board adopt resolution number 09-852 certifying the Final Environmental Impact Report for the Recharge Basin and Pipeline Project, making written findings, adopting a Mitigation Reporting and Monitoring Program, issuing its statement of overriding considerations, approving Alternative Three (the site generally east of Sunburst Avenue and north of Highway 62) as the preferred site for the recharge basin, and approving the proposed project.

ANALYSIS: During the past year the District's environmental consultants, ESA, have been preparing the Environmental Impact Report for the District's groundwater recharge and pipeline project. The project consists of a pipeline from the end of the Morongo Pipeline at Yucca Mesa Road north of Highway 62, east along the highway, to the recharge pond. The recharge pond consists of approximately 30 acres near the flood control channel and the Morongo Basin Transit Authority site east of Sunburst and north of Highway 62. Two other sites further to the west were considered, but were determined to be less preferable due primarily to visibility from the highway and the distance from existing District wells.

In May of this year the Draft EIR was released and a presentation was given to the Board outlining the findings of the environmental studies. Other governmental agencies and the public were given ample opportunity to respond to the report. The ESA team reviewed and responded to the comments which are part of the Final report.

The purpose of this meeting is for the Board to review all of the evidence, and consider certifying the Final EIR. Tom Barnes of ESA, will address questions that may arise.

The purpose of the groundwater recharge project is to receive water to which Joshua Basin is entitled, from the State Water

Project, in order to recharge the aquifer which is in overdraft according to studies by the United States Geological Survey (USGS). The recharge project will allow the District to begin recovering the water that has been consumed over Joshua Tree's more than 50 years of development, and help replenish the groundwater being used by the current population.

This project has been a top priority of the Board for several years. Certification of the EIR will clear the path to seek grant funding and develop the project.

RESOLUTION 09-852
RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE RECHARGE BASIN AND PIPELINE PROEJCT, MAKING WRITTEN FINDINGS, ADOPTING A MITIGATION REPORTING AND MONITORING PROGRAM, ISSUING ITS STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVING THE PROPOSED PROJECT

WHEREAS, the Joshua Basin Water District (the "District" or "JBWD") has proposed to implement the Recharge Basin and Pipeline Project;

WHEREAS, the District has caused to be prepared the Draft Environmental Impact Report for the (the "EIR") that assesses the significant environmental impacts, mitigation measures, and alternatives associated with the proposed project;

WHEREAS, the District has consulted with other public agencies and the general public, and provided such agencies and the public with the opportunity to provide written and oral comments on the Draft EIR, as required by the California Environmental Quality Act, Public Resources Code §§21000 *et seq.* ("CEQA");

WHEREAS, the District has reviewed the comments received and responded to the significant environmental concerns raised during the review and consultation process;

WHEREAS, the comments received on the Draft EIR, either in full or in summary, together with the District's responses have been included in the Final EIR for the Project;

WHEREAS, the Final EIR, consisting of the Draft PEIR including the Appendices and the Responses to Comments document, has been presented to the District's Board of Directors (the "Board") for review and consideration;

WHEREAS, the District has reviewed project alternatives and has identified a preferred alternative;

NOW, THEREFORE, the Board hereby resolves, determines and finds, as follows:

1. That the Final EIR for the Recharge Basin and Pipeline Project has been completed in accordance with the requirements of CEQA;

2. That the Board has independently reviewed and considered the information contained in the Final EIR;

3. That the Board makes the findings set forth herein and certifies that such findings and conclusions are based on the Board's independent review of the information contained in the Final EIR and reflect the independent judgment of the Board;

4. That the Final EIR has identified a number of potentially significant environmental impacts associated with future projects;

5. That changes or alterations have been incorporated into the proposed future projects which avoid or substantially lessen the significant environmental effects identified in the Final EIR;

6. That significant effects on the environment due to implementation of the project have been eliminated or substantially lessened to the extent feasible;

7. That any remaining significant effects on the environment are acceptable due to the overriding considerations set forth in the Statement of Overriding Considerations set forth herein;

8. That the Board adopts the Mitigation Monitoring and Reporting Program set forth herein, and finds that the mitigation measures identified therein and in the Final EIR will reduce the significant impacts of the Project to less than significant levels to the extent feasible;

9. That the Final EIR includes findings concerning the Preferred Alternative, significant unavoidable adverse impacts, significant impacts reduced to less than significant levels by mitigation measures incorporated into the project;

10. That the Secretary of the Board is authorized and directed to file the Notice of Determination and any other documents in accordance with the requirements of CEQA and the District's CEQA procedures.

11. That the Board approves the preferred project consisting of the pipeline and Alternative Recharge Basin 3 generally east of Sunburst Avenue and north of Highway 62.

PASSED AND ADOPTED at a meeting held on September 23, 2009

_____
President

ATTEST:

_____
Secretary of the Board

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Joshua Basin Water District
Recharge Basin and Pipeline Project

The Joshua Basin Water District (JBWD or District) has prepared an Environmental Impact Report (EIR) pursuant to the requirements of the California Environmental Quality Act (CEQA), (PRC §21080) and the CEQA Guidelines (14 CCR §15063) evaluating potential environmental effects that may result from the proposed Recharge Basin and Pipeline Project. These Findings of Fact and Statement of Overriding Considerations have been prepared for the project pursuant to CEQA Guidelines Section 15091.

1.1 Certification

In accordance with CEQA Guidelines Section 15090, the Joshua Basin Water District (JBWD), as Lead Agency for the Project, certifies that:

(a) The Final EIR for the Project has been completed and processed in compliance with the requirements of CEQA;

(b) The Final EIR was presented to the JBWD Board of Directors, and the Board of Directors, as the decision making body for JBWD,reviewed and considered the information contained in the Final EIR prior to approving the Project; and

(c) The Final EIR reflects JBWD's independent judgment and analysis.

JBWD has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c) in retaining its own environmental consultant directing the consultant in preparation of the EIR as well as reviewing, analyzing, and revising material prepared by the consultant.

These Findings of Fact (Findings) and Statement of Overriding Considerations have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21081 and Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines, in connection with the approval of the Recharge Basin and Pipeline Project.

Before project approval, an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a project for which an EIR has been certified, and for which the

EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to Public Resources Code Section 21081 and Section 15091 of the CEQA Guidelines, for each identified significant impact:

(1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

JBWD has made one or more of the specific written findings above regarding each significant impact associated with the Project. Those findings are presented here, along with a presentation of facts in support of the findings. The mitigation measures identified as feasible and within JBWD authority to implement for the approved project become express conditions of approval that JBWD binds itself to upon project approval. These requirements are referenced in the Mitigation Monitoring and Reporting Program (MMRP) adopted concurrently with these Findings and will become effective through project implementation.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. The lead agency may approve a project with unavoidable adverse environmental effects only when it finds that specific economic, legal, social, technological, or other benefits of the proposed project outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

JBWD's Statement of Overriding Considerations is presented in Chapter 8 of these Findings. As required by CEQA, the District expressly finds that the Final EIR for the Recharge Basin and Pipeline Project reflects JBWD's independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, JBWD adopts these Findings and Statement of Overriding Considerations as part of its certification of the Final EIR. A brief explanation of the rationale for each finding is provided in Chapters 4, 5, 6 and 7.

1.2 Organization of CEQA Findings of Fact

The content and format of these CEQA Findings are designed to meet the latest CEQA Statutes and Guidelines. The Findings are organized into the following sections:

Chapter 1, Introduction outlines the organization of this document and identifies the location and custodian of the record of proceedings.

Chapter 2, Project Description describes the location, project overview, project objectives, and the required permits and approvals for the project.

Chapter 3, CEQA Review and Public Outreach describes the steps JBWD has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the Draft and Final EIR.

Chapter 4, Impacts Determined to be Less than Significant provides a summary of those environmental issue areas where no reasonably foreseeable impacts would occur and those impacts determined to be below the threshold of significance without the incorporation of mitigation measures.

Chapter 5, Less Than Significant Environmental Impacts with Mitigation provides a summary of significant environmental impacts for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental impacts to less than significant levels. This section also provides specific written findings regarding each potentially significant impact associated with the project.

Chapter 6, Significant Environmental Impacts provides a summary of significant environmental impacts for which no feasible mitigation measures are identified or for which implementation of identified feasible mitigation measures would not avoid or substantially reduce the environmental effects to less than significant levels. This section also provides specific written findings regarding each significant impact associated with the project.

Chapter 7, Findings Regarding Project Alternatives provides a summary of the alternatives considered for the project.

Chapter 8, Statement of Overriding Considerations provides a summary of all of the project's significant unavoidable adverse impacts. In addition, this section identifies the project's substantial benefits that outweigh and override the project's significant unavoidable impacts, such that the impacts are considered acceptable.

Chapter 9, Findings on Mitigation Monitoring and Reporting Program provides a brief discussion of the project's compliance with the CEQA Guidelines regarding the adoption of a program for reporting and monitoring.

Chapter 10, Certification of EIR and Project Approval provides a statement that the Final EIR fully complies with CEQA and that the JBWD Board of Directors has considered the information in the EIR and that it reflects the Board's independent judgment and analysis.

1.3 Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which JBWD project approval is based are located at the JBWD offices: 61750 Chollita Road in Joshua Tree, California. The JBWD is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code §21081.6(a)(2) and California Code of Regulations Title 14, §15091(e).

1.4 Project Level Analysis

The Final EIR for the proposed project provides an analysis of potential impacts of all construction and operational actions reasonably foreseeable with implementation of the proposed project. The Final EIR provides project-level assessments of the following components of the proposed project. The analysis of these components is conducted at a sufficient level of detail such that additional environmental documentation is not necessary. In other words, the following project components are evaluated at a level of detail that is typically provided in a project EIR (CEQA Guidelines §15161).

- Construction of recharge basin facility and extension of the Morongo Basin Pipeline; and
- Operation of recharge basin and pipeline for recovery and storage use to increase local groundwater supply reliability

CHAPTER 2
Project Description

2.1 Environmental Setting

2.1.1 Existing Setting

The proposed project would be located in the unincorporated community of Joshua Tree, in San Bernardino County, approximately four miles north of Joshua Tree National Park, and adjacent to the east of the Town of Yucca Valley on SR 62. Located in the southern portion of the County, Joshua Tree is approximately 10 miles west of the City of Twentynine Palms, bordered to the north by Bartlett Mountains and to the south by the Pinto Mountains and Little San Bernardino Mountains. The three alternative recharge basin locations evaluated in the EIR are each referenced north or south of SR 62 within areas of specific useable acreage. The proposed pipeline extension from the existing Morongo Pipeline would continue south on Yucca Mesa Road to SR 62 where it will connect to one of these alternative recharge basin locations.

2.1.2 Surrounding Land Uses

The portion of San Bernardino County in which the proposed project is located is defined as the Desert Planning Region, the largest of the three planning regions. This region includes a significant portion of the Mojave Desert and contains about 93 percent (18,735 square miles) of the land within San Bernardino County. The Desert Planning Region includes all of the unincorporated area of the County lying north and east of the San Gabriel and San Bernardino Mountains. The region consists of mountain ranges interspersed with long, broad valleys that often contain dry lakes (URS, 2007).

The project area is generally designated as residential, varying from single- to multi-family homes, while other minor land uses include commercial, industrial, government institutions and utilities. Recharge Basin Alternatives 1 and 3 would be constructed on land designated as Rural Living (RL) residential, which establishes areas where non-agricultural activities are the primary use of the land, but where agricultural and compatible uses may exist. Recharge Basin Alternative 2 would be designated for Single Residential (RS), which provides for single-family homes and areas for accessory and non-residential uses that complement single-family neighborhoods.

2.2 Project Overview

The proposed project would include constructing the following components: a recharge basin facility and pipeline extension. The proposed project would provide additional groundwater recharge, storage, and recovery capacity in the Joshua Tree region.

2.2.1 Pipeline

Construction of the proposed pipeline would primarily involve open trenching, although jack-and-bore tunneling or directional drilling may be used for specific segments. The pipeline would be installed generally within the existing roadway right-of-way, where feasible, and along the northern side of SR 62 to minimize land acquisitions or easement requirements.

2.2.2 Recharge Basins

Each recharge basin would be designed with multiple sub-basins separated by concrete weirs, allowing water to flow from sub-basin to sub-basin. The basins would fill by gravity and no pumping equipment would be needed. Construction of the new recharge basin would require clearing and grubbing of the property. Site excavation and grading would be conducted to a depth of up to 6 feet below grade. Earthen berms would be constructed around the perimeter of the basins to provide visual screening but would not be used to impound water or provide freeboard since soils onsite are not suitable for compaction.

2.2.3 Construction Activities

Construction activities for the proposed project are scheduled to be completed over a 12 month time frame. The recharge basin and pipeline facilities would take approximately nine months to one year each to construct. Both facilities would be constructed simultaneously in order to minimize the duration and impact of the proposed project. Construction would begin in December 2009.

2.3 Project Objectives

The objectives of the proposed project are as follows:

- Provide additional groundwater recharge, storage, and recovery capacity in the Joshua Basin region;
- Allow the storage of water during wet hydrologic periods for recovery and use during dry periods, to provide JBWD customers with increased water supply reliability;
- Reduce the demand for local groundwater; and
- Enhance water supply reliability.

2.4 Discretionary Actions

An EIR is a public document used by a public agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid environmental damage (CCR, Title 14, §15121). As an informational document, an EIR does not recommend for or against approval of a project. The main purpose of an EIR is to inform governmental decision makers and the public about the potential environmental impacts of a proposed project. As the lead agency under CEQA, this EIR will be used by JBWD and the Responsible Agencies in making decisions with regard to the construction and operation of the proposed project. Responsible Agencies having discretionary approval over components of the project include the California Department of Fish and Game, Regional Water Quality Control Board, California Department of Transportation (Caltrans), and San Bernardino County. JBWD and the Responsible Agencies would use the analysis contained within this EIR to support the acquisition of the following regulatory permits or approvals:

- California Department of Fish and Game (CDFG): 1602 Lake and Streambed Alteration Agreement
- Regional Water Quality Control Board (RWQCB): Waste Discharge Requirements/ Storm Water Pollution Prevention Plan
- California Department of Transportation (Caltrans): Encroachment Permit
- San Bernardino County: Encroachment Permit

CHAPTER 3
CEQA Review and Public Outreach

JBWD has complied with CEQA and the CEQA Guidelines during the preparation of the EIR for the project. The Draft EIR, dated May 2009, was prepared after soliciting input from the public, responsible agencies, and affected agencies through the EIR scoping process. In accordance with Sections 15063 and 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was circulated to local, state, and federal agencies, and to other interested parties in November 2008. The NOP was posted in the San Bernardino County Libraries at the Yucca Valley and Joshua Tree Branches and in the Yucca Valley local newspaper for 30 days. The NOP was also submitted to the State Clearinghouse to officially solicit participation in determining the scope of the EIR.

In response to the NOP, written comment letters were received from the following organizations: the Department of Fish and Game, Department of Public Works of San Bernardino County, Floodplain Management and Insurance Branch of U.S. Department of Homeland Security, The Mojave Desert Land Trust, South Coast Air Quality Management District, U.S. Fish and Wildlife Service, Land Use Services Department of San Bernardino County, and stakeholders in the Joshua Tree community. The comment letters are included in Appendix A of the Draft EIR. A public scoping meeting was held on December 9, 2008 at 61750 Chollita Road in Joshua Tree, California, to allow agency consultation and public involvement for the Draft EIR. Verbal comments were received from the seven Joshua Tree community members in attendance during the scoping meeting and are included in the scoping report in Appendix A of the Draft EIR.

The Draft EIR was circulated for public review and comment in May 2009, initiating a 45-day public review period pursuant to CEQA and its implementing guidelines. The document and Notice of Completion (NOC) was distributed to the California Office of Planning and Research, State Clearinghouse. Relevant agencies also received copies of the document. A Notice of Availability (NOA) was distributed to interested parties and adjacent property owners and residents, which informed them of where they could view the document and how to comment. The purpose of the 45-day review period was to provide interested public agencies, groups and individuals the opportunity to comment on the contents and accuracy of the document. The document was available to the public at the San Bernardino County Libaries and on JBWD's website. The public hearing for the Draft EIR was held on July 20, 2009 at the JBWD offices at 61750 Chollita Road, Joshua Tree to give interested parties the opportunity to comment on the Draft EIR.

A Final EIR has been completed and includes written comments received by mail and electronic mail on the Draft EIR, verbal comments received at the public hearings, written responses to the written and verbal comments, and changes to the Draft EIR.

CHAPTER 4
Impacts Determined to be Less than Significant

The following potential environmental impacts of the project are less than significant and therefore do not require the imposition of mitigation measures.

4.1 Aesthetics

Recharge Basin Alternative 3 would not substantially affect views from SR 62. The earthen berm surrounding the facility would obscure short-range views from near the recharge basin, but impacts on scenic vistas associated with Recharge Basin Alternative 3 would be less than significant. (Draft EIR p. 3.1-8.)

The construction of recharge ponds at Alternative 3 would alter but not substantially degrade the existing visual character of this area. Perimeter berms and landscaping to Alternative 3's site would alleviate the visual character of the surrounding area and impacts would be less than significant. (Draft EIR p. 3.1-15.)

4.2 Air Quality

Project operation would result in minimal emissions of criteria air pollutants. Operational impacts would be limited to on-road vehicular traffic. The project also would not release substantial amounts of toxic contaminants. The amount of trips taken for inspection, maintenance and cleaning of the ponds, approximately twice a year would all result in a less than significant impact to air quality. (Draft EIR p. 3.2-16.)

The construction and operational impacts of the proposed project would not exceed the MDAQMD's thresholds and would not result in a cumulatively considerable net increase of any criteria pollutant. The project would therefore have a less than significant impact to cumulative air emissions. (Draft EIR, p 3.2-17.)

The proposed project would not conflict with AB32 state goals for reducing greenhouse gas emissions. Therefore, impacts to greenhouse gas emissions and global climate change would be less than significant (Draft EIR p. 3.2-17-18.)

4.3 Biological Resources

A portion of the open space land that will be removed during construction of the proposed project would not significantly restrict wildlife movement in that area. The proposed pipeline extension would be constructed along existing roads and right-of-ways and would not further restrict wildlife movement. Each Recharge Basin Alternative would not fragment any portion of open space habitat. Therefore, the project would have a less than significant impact to wildlife movement in the area. (Draft EIR p. 3.3-19.)

4.4 Hazards and Hazardous Materials

The promotion of vector generation including mosquitoes would be limited by control measures that would be implemented to the recharge basins. The basins generally would not contain water for more than two weeks at a time and therefore limits vector development. Impacts associated with vector control would be less than significant. (Draft EIR p. 3.6-9.)

4.5 Hydrology, Water Quality and Groundwater

Due to the location of the proposed project, over 100 miles inland and away from landlocked bodies of water, there is no risk of inundation due to a tsunami or seiche. Further, the facilities would not be susceptible to landslides nor be affected large enough by large earth movements. Therefore, impacts would be less than significant. (Draft EIR p. 3.7-16.)

4.6 Land Use, Agriculture and Recreation

The proposed pipeline extension would not divide an established community as it traverses along existing right-of-ways and would be underground. While the recharge basins would be constructed on land designated residential, the surrounding open space and the few existing residences nearby would not physically divide an established community. The basins would ultimately be a complementary resource as it serves the surrounding land uses. Impacts to dividing communities would be less than significant. (Draft EIR p. 3.8-7.)

Recharge basins would be constructed on land within areas designated for residential uses by the County General Plan and encroachment permits for the pipeline extension would be required from San Bernardino County. Once construction is complete, each component would be compatible with existing overlying land uses and therefore impacts would less than significant. (Draft EIR p. 3.8-8.)

The project components would not result in the construction or expansion of any recreational facilities nor traverse planned bikeways as there are no bikeways currently designated by the Joshua Tree Community Plan. Impacts on recreationally facilities would be less than significant. (Draft EIR p. 3.8-8.)

4.7 Noise

Construction activity for each project component would be limited during the hours specified by the San Bernardino County Noise Ordinance. Noise levels would not significantly increase ambient levels and therefore impacts would be less than significant. (Draft EIR p. 3.9-10.)

Vibration levels generated during construction would be below potential building damage thresholds and annoyance thresholds, therefore, impact to persons from ground-borne vibration and noise would be less than significant. (Draft EIR p. 3.9-11.)

Noise from project operations and additional project-related traffic is not expected to increase ambient noise levels and therefore impacts would be less than significant. (Draft EIR p. 3.9-11.)

4.8 Public Services and Utilities

Construction activities would slightly increase short-term electricity demand during the nine to 12-month period. However, long-term electricity demand would remain unchanged. Impacts would be less than significant. (Draft EIR p. 3.10-6.)

Utility lines and cables that could be disrupted during excavation and other construction-related activities would be identified in preliminary design stages and rerouted or avoided to maintain service. Impacts would be less than significant. (Draft EIR, p. 3.10-7.)

4.9 Transportation and Traffic

The slight increase of vehicular traffic per day would be limited to the period of time needed to construct the proposed pipeline extension and recharge basins, creating a temporary demand for parking spaces for construction workers. The parking demand would not affect traffic flow on area roadways nor displace any current parking. Therefore, the impact would be less than significant. (Draft EIR p. 3.11-7.)

4.10 Cumulative Impacts

Concurrent construction of several projects in the vicinity of Joshua Basin could result in cumulative short-term impacts associated with construction activities, which include aesthetics, air quality, biological resources, noise, water quality, and traffic. Although the proposed project would impact visual resources surrounding the site that are significant and unavoidable, it will not cause any cumulative impacts as a result of concurrent construction within a visual line-of-sight range another project. Emissions generated during construction in concurrence with other project activities in the area would be short-term and regional cumulative air quality impacts due to the proposed project would be less than significant. Cumulative loss of natural biological resources in the high desert would occur during project construction. However, these impacts would be minimized by mitigation measures and the project's contribution to cumulative impacts to biological resources would not be considerable. Construction noise would be temporary and

impacts localized to the particular project site. In accordance with mitigation measures listed for noise impacts incurred during project construction, the proposed project would not contribute significantly to cumulative ambient noise conditions. Construction activities could degrade water quality from sedimentation discharge due to erosion to accidental exposure of hazardous materials associated with equipment. However, with implementation of the suggested Mitigation Measures for Water Quality, the cumulative impact to regional water quality would not be considerable. Finally, increased traffic generated from construction activities could temporarily cause cumulative traffic impacts when occurring at the same time as other project components. JBWD would coordinate with the surrounding jurisdictions, utility districts and agencies on the timing of construction projects that would occur near the recharge basin and pipeline project with the intention to minimize multiple disruptions in the same areas. This interagency coordination would allow opportunities to determine specific measures to mitigate significant impacts associated with cumulative traffic. Overall, impacts that could result from concurrent construction of several projects would be at a less than significant level. (Draft EIR p. 4.3-6).

CHAPTER 5
Less than Significant Environmental Impacts with Mitigation

Pursuant to CEQA Guidelines Section 15091, the following are the impacts of the proposed project for which mitigation measures have been identified in the Draft EIR which will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level:

5.1 Aesthetics

5.1.1 Project-Level Impacts

Impact 3.1-1: The Final EIR concludes in Impact 3.1-1 that construction activities associated with the proposed project could have substantial adverse effect on a scenic vista. (Draft EIR p. 3.1-7)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.1-1 would reduce the significant impact to a less than significant level.

> **Mitigation Measure 3.1-1:** Following construction, JBWD shall restore disturbed areas along the pipeline corridor by reestablishing pre-existing conditions including topography and vegetation if applicable along the edge of SR 62 in coordination with Caltrans and County requirements.

Rational/Supporting Explanation: During construction, excavated areas, stockpiled soils, and other materials within the construction easement and staging areas would introduce contrasting aesthetic elements into the visual landscape that would be visible from SR 62. However, construction would be temporary and Mitigation Measure 3.1-1 would require that construction areas within the pipeline corridor be restored to preconstruction conditions. Construction impacts would be reduced to less than significant level by this mitigation measure. (Draft EIR p. 3.1-8)

Impact 3.1-3: The Final EIR concludes in Impact 3.1-3 that implementation of the proposed project could substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. (Draft EIR p. 3.1-14)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.3-4a and 3.3-4b would reduce the significant impact to a less than significant level.

> **Mitigation Measure:** Implement Mitigation Measures 3.3-4a and 3.3-4b from Section 3.3, Biological Resources.

Rational/Supporting Explanation: Construction of the proposed sites would require the removal of scenic resources, including Joshua trees, most notably at Alternative 1 and 2 locations. Location of project components would be adjacent to SR 62, which is an Eligible State Scenic Highway. Qualified biologists/arborists shall conduct inventory of the number and size of Joshua trees to be removed at these sites and JBWD will seek approval for and follow conditions stated in the permit issued by the County prior to removing Joshua trees. Implementing Mitigation Measures 3.3-4a and 3.3-4b from Section 3.3 in Biological Resources would reduce impacts to less than significant levels associated with the removal of Joshua trees. (Draft EIR p. 3.3-14)

5.2 Air Quality

5.2.1 Project-Level Impacts

Impact 3.2-1: The Final EIR concludes in Impact 3.2-1 that project construction would emit criteria pollutants during the short-term duration of construction. (Draft EIR p. 3.2-1)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.2-1 and 3.2-2 would reduce the significant impact to a less than significant level.

Mitigation Measure 3.2-1: General contractors shall implement a fugitive dust control program pursuant to the provisions of MDAQMD Rule 403.

Mitigation Measure 3.2-2: JBWD will send notices to neighboring land owners and tenants identifying a point of contact at the District for any concerns the community may have regarding operation of the basins. The District will attempt to rectify nuisance conditions at the site in coordination with local residents when concerns are raised.

Rational/Supporting Explanation: Construction of the proposed project would result in temporary fugitive dust emissions. Compliance with the rules established by MDAQMD to reduce construction emissions, including fugitive dust control measures and vehicle maintenance measures, would ensure that project construction would not conflict with the current air quality management plan. Mitigation Measures 3.2-1 would reduce these construction emissions below significant levels. The proposed project would not result in a long-term substantial source of TAC emissions or have post-construction residual emissions. Fugitive dust impacts and nuisance conditions would be considered less than significant with implementation of Mitigation Measures 3.2-1 and 3.2-2. (Draft EIR p. 3.2-13-16)

Impact 3.2-3: The Final EIR concludes in Impact 3.2-3 that the project could emit objectionable odors as recharge basins dry. (Draft EIR p. 3.2-17)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.2-3 would reduce the significant impact to a less than significant level.

Mitigation Measure 3.2-3: JBWD will send notices to neighboring land owners and tenants identifying a point of contact at the District for any concerns the community may have regarding operation of the basins. The District will attempt to rectify nuisance conditions at the site in coordination with local residents when concerns are raised.

Rational/Supporting Explanation: Odor impacts would be less than significant due to proper maintenance of the recharge basins that reduces odor levels and prevents objectionable odors from being created. Efficient drying out of the basins would be necessary after it rains or during long dry periods when water is no longer available. Mitigation Measure 3.2-3 would provide the local community with a contact at JBWD to discuss odor problems and methods of correcting the problem if they occur. (Draft EIR p. 3.2-17.)

5.3 Biological Resources

5.3.1 Project-Level Impacts

Impact 3.3-1: The Final EIR concludes that implementation of the proposed project could have a substantial adverse effect on listed, candidate, or special-status ground dwelling wildlife species. (Draft EIR p. 3.3-13)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.3-1 would reduce the significant impact to a less than significant level.

Mitigation Measure 3.3-1a: JBWD shall install a chain-link or tortoise fence (one-inch by two-inch welded wire mesh attached to the chain-link fence, with approximately two feet above ground and one foot buried below ground) to exclude small wildlife species from entering the active work areas. Exclusion fencing can be limited to areas of documented occurrences of special-status wildlife as determined during pre-construction surveys by a qualified biologist.

Mitigation Measure 3.3-1b: JBWD shall conduct absence surveys for desert tortoise and pallid San Diego pocket mouse in all proposed disturbance areas that provide potential habitat. Surveys shall follow the USFWS protocol (USFWS, 1992) or other appropriate site-specific protocol as determined in coordination with USFWS.

Mitigation Measure 3.3-1c: If USFWS-approved surveys do not identify desert tortoise or pallid San Diego pocket mouse within proposed disturbance areas, the following measures shall be implemented:

- Prior to working on the project, all site managers and construction employees shall be educated as to the natural history, endangerment factors, and appropriate protocol for dealing with tortoise encountered in and around the construction areas.

- In addition, if a tortoise is observed during construction, all construction shall be halted in the immediate area and the USFWS and CDFG must be immediately notified to determine necessary actions.

Mitigation Measure 3.3-1d: If USFWS-approved surveys identify desert tortoise on any of the undeveloped lands to be cleared by JBWD, a Desert Tortoise Protection and Mitigation Plan shall be developed and adopted in consultation with the USFWS and CDFG. Elements of the plan shall include, but not be limited to the following:

- Pre-construction desert tortoise surveys and tortoise relocation to an approved off-site location by a qualified biologist;

- Staking of approved disturbance areas in the field and installation of temporary tortoise exclusion fencing around active construction areas;

- A worker education program including the natural history, endangerment factors, and appropriate protocol for dealing with tortoise encountered in and around the construction areas;

- Enforcement of speed limits and checking under vehicles for tortoise;

- Biological monitoring of all ground disturbance; and

- Measures to prevent increased use of the project site by common ravens through trash management, removal of unnatural sources of standing water, and other means.

- Compensatory mitigation for desert tortoise habitat loss shall be made available in perpetuity for the protection of the desert tortoise for the conversion of any potentially suitable habitat at a ratio determined in consultation with CDFG and USFWS. The location and conservation management of the identified compensatory lands shall be approved by USFWS pursuant to Sections 10a of the Federal ESA and by the CDFG pursuant to Section 2081 of the California Fish and Game Code.

Rational/Supporting Explanation: Federally and State Threatened desert tortoise and the pallid San Diego pocket mouse (State Species of Special Concern) have the potential to occur within the proposed project area. While the potential occurrence of the pocket mouse is low, impacts would be reduced to a less than significant level with implementation of Mitigation Measures 3.3-1a and 3.3-1b. The desert tortoise has potential to occur at Recharge Basin Alternative 1 and Alternative 2, but there is a lower likelihood at Alternative 3 location due to the existing disturbance on this site. Mitigation Measure 3.3-1d would particularly reduce predation threats on desert tortoises if ravens begin to perch in the construction area. Impacts associated with ground-dwelling species would be reduced by implementing Mitigation Measures 3.3-1a through 3.3-1d. (Draft EIR p. 3.3-12-14)

Impact 3.3-2: The Final EIR concludes that implementation of the proposed project could have a substantial adverse effect on listed, candidate or special-status bat and avian species. (Draft EIR p. 3.3-13)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.3-2a through 3.3-2g would reduce the significant impact to a less than significant level.

Mitigation Measure 3.3-2a: Prior to any ground-disturbing activities, JBWD shall have a qualified biologist conduct a pre-construction spring/summer active season reconnaissance survey for nesting/roosting special-status mobile bird and bat species, and other nesting birds within 300 feet (500 feet for raptors) of the construction limits of each project element to determine and map the location and extent of special-status species occurrence(s) that could be affected by the project.

Mitigation Measure 3.3-2b: JBWD shall avoid direct impacts on any nesting birds located within the limits of construction. This could be accomplished by establishing the construction right of way and removal of plant material outside of the typical breeding season (February 1 through August 31).

Mitigation Measure 3.3-2c: If construction and vegetation removal is proposed for the bird nesting period February 1 through August 31, then pre-construction surveys for nesting/roosting bird and bats species shall begin 30 days prior to construction disturbance with subsequent weekly surveys, the last one being no more than three days prior to work

initiation. The surveys shall include habitat within 300 feet (500 feet for raptors) of the construction limits. Active nest sites located during the pre-construction surveys shall be avoided and a non-disturbance buffer zone established dependent on the species and in consultation with the USFWS and CDFG. This buffer zone shall be delineated in the field with flagging, stakes or construction fencing. Nest sites shall be avoided with approved non-disturbance buffer zones until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist. For species with high site fidelity, such as Swainson's hawk, if direct take of nests outside of the breeding seasons is required, JBWD shall contact CDFG to determine appropriate mitigation measures.

Mitigation Measure 3.3-2d: If a natal bat roost site is located within the limits of construction during pre-construction surveys, it shall be avoided with non-disturbance buffer zone established by a qualified biologist in consultation with the USFWS and CDFG until the site is abandoned.

Mitigation Measure 3.3-2e: JBWD shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project that also would avoid and minimize impacts on special-status avian and bat species.

Mitigation Measure 3.3-2f: JBWD shall instruct construction personnel on the importance of buffer zones and sensitivity of the delineated areas.

Mitigation Measure 3.3-2g: Conduct a burrowing owl survey per the *Burrowing Owl Survey Protocol and Mitigation Guidelines* of the California Burrowing Owl Consortium (1993) or per the *Staff Report on Burrowing Owl Mitigation* prepared by CDFG (1995). At a minimum, this mitigation shall include the following:

- A pre-construction survey shall be conducted by a qualified biologist within 30 days of the on-set of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located.

- If pre-construction surveys are undertaken during the breeding season (February 1st through July 31st) active nest burrows should be located within 250 feet of construction zones and an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over.

- During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. JBWD shall encourage owls to relocate from the construction disturbance area to off site habitat areas and undisturbed areas of the project site through the use of one-way doors on burrows. If ground squirrel burrows, stand pipes, and other structures that have been documented during pre-construction surveys as supporting either a nesting burrowing owl pair or resident owl are removed to accommodate the proposed project, these structures and burrows shall be relocated or replaced on or adjacent to the project site. Relocated and replacement structures and burrows shall be sited within suitable foraging habitat within one half mile of the project area. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest

building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.

Rational/Supporting Explanation: The four special-status species identified have the potential to occur at the proposed project locations. The yellow bat has a low potential to occur at the recharge basin sites due to the lack of suitable roosting areas while three bird species have a moderate potential to be present at the pipeline route and recharge basins due to records showing current occurrences existing in the area. While none of the four species were observed during the site reconnaissance visit, implementation of Mitigation measures 3.3-2a through 3.3-2g would reduce impacts associated to special-status avian and bat species to a less than significant level. (Draft EIR p. 3.3-13)

Impact 3.3-3: The Final EIR concludes in Impact 3.3-3 that implementation of the proposed project could have a substantial effect on special-status plant species. (Draft EIR p. 3.3-15)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.3-3a through 3.3-3d would reduce the significant impact to a less than significant level.

Mitigation Measure 3.3-3a: The implementing agencies shall have a qualified biologist conduct a pre-construction spring/summer floristic inventory and rare plant survey of the proposed project areas in accordance with CDFG's *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*, (revised May 8, 2000) to determine and map the location and extent of special-status plant species populations within the construction right-of-way. The survey shall be conducted during the appropriate flowering time for target plant species.

Mitigation Measure 3.3-3b: If not possible to avoid, JBWD shall minimize impacts on special-status plant species by reducing the construction right-of-way through areas with potential occurrences of special-status plant species. For unavoidable direct impacts to special-status species, consultation with CDFG shall be required to determine the impact area and further mitigation, which could include acquisition of habitat of equal or superior value at a ratio of at least 1:1.

Mitigation Measure 3.3-3c: JBWD shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project that also would avoid and minimize impacts on special-status plant species.

Mitigation Measure 3.3-3d: Earth-moving equipment will avoid maneuvering in areas outside the identified limits of construction in order to avoid disturbing open space areas that will remain undeveloped. Prior to construction, the natural open space limits will be marked by the construction supervisor and a qualified biologist. These limits will be identified on the construction drawings. JBWD will submit a letter to the appropriate

agencies verifying that construction limits have been flagged and clearly delineated in the field. No earth-moving equipment will be allowed outside demarcated construction zones.

Rational/Supporting Explanation: Of the five special-status plant species identified to potentially occur at the proposed project locations, only two are considered to have a moderate or high potential to occur. Several nearby recorded occurrences and suitable habitat exists within all proposed project locations but with implementation of Mitigation Measures 3.3-3a through 3.3-3d, impacts to all special-status plants would be reduced to less than significant. (Draft EIR p. 3.3-16)

Impact 3.3-4: The Final EIR concludes in Impact 3.3-4 that the proposed project could conflict with local policies and ordinances protecting biological resources, such as Joshua trees. (Draft EIR p. 3.3-17)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.3-4a and 3.3-4b would reduce the significant impact to a less than significant level.

Mitigation Measure 3.3-4a: Prior to the commencement of ground disturbance activities for any component of the proposed project, a qualified biologist/arborist shall provide an inventory of the number and size of Joshua trees to be removed.

Mitigation Measure 3.3-4b: JBWD shall apply for and receive a permit from the County of San Bernardino prior to removal of native vegetation protected under San Bernardino County Development Code Section 88.01 and shall transplant or stockpile Joshua trees as required under the conditions of the permit.

Rational/Supporting Explanation: Removal of Joshua trees for construction of the proposed recharge basins within the County may be subject to provisions of the County Plant Protection Ordinance. The County may require Joshua trees be transplanted to suitable locations or stockpiled for future transplanting. Implementation of Mitigation Measures 3.3-4a through 3.3-4b would reduce this impact to a less than significant level. (Draft EIR p. 3.3-17)

Impact 3.3-5: The Final EIR concludes in Impact 3.3-5 that construction of the proposed project could have a substantial adverse effect on drainages that are considered waters of the state. (Draft EIR p. 3.3-17)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.3-5 would reduce the significant impact to a less than significant level.

Mitigation Measure 3.3-5a: Prior to construction, JBWD shall retain a qualified biologist to delineate waters of the state within the construction zones. Waters of the state affected by the project, including recharge basin and pipeline construction zones, would be clearly

identified and noted in permit applications to the RWQCB (for WDRs) and CDFG (for a SAA).

Mitigation Measure 3.3-5b: JBWD shall prepare a Waters of the State Mitigation Plan to include with RWQCB and CDFG permit applications. Conditions of the Mitigation Plan shall include at a minimum measures to divert flows during construction, measures to minimize erosion, measures to minimize discharge of contaminants through proper storage of chemicals and vehicle maintenance, and post-construction site restoration performance standards.

Mitigation Measure 3.3-5c: For Recharge Basin Alternative 3, final designs shall avoid infringing onto Joshua Creek, located approximately 25 feet north of the proposed project area. JBWD shall demarcate the construction zone and monitor construction sufficiently to ensure that no vegetation is removed within the creek or vehicles encroach onto the creek.

Rational/Supporting Explanation: While none of the drainage features meet the definition of water of the U.S. at the three proposed recharge basin locations, there may be impacts associated with waters of the state. Alternative 2 does not contain any jurisdictional water features therefore no impacts are associated with construction at this location. Alternative 1 and 3 would impact jurisdictional waters of the state, however, implementation of Mitigation Measure 3.3-5 would ensure impacts to waters of the state would be reduced to a less than significant level. For Alternative 3, impacts to Joshua Creek shall be avoided with Mitigation Measure 3.3-5c. (Draft EIR p. 3.3-18)

5.4 Cultural Resources

5.4.1 Project-Level Impacts

Impact 3.4-1: The Final EIR concludes in Impact 3.4-1 that project construction could adversely affect known or unknown cultural resources, including unique archaeological resources and historic resources. (Draft EIR p. 3.4-17)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.4-1a through 3.4-1d would reduce the significant impact to a less than significant level.

Mitigation Measure 3.4-1a: Avoidance of cultural resources. JBWD shall avoid all cultural resources where feasible. Prior to construction, a qualified archaeologist (defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology) shall mark exclusion zones around known archaeological sites that exist near the construction areas but that can be avoided to ensure they are not impacted by construction.

Mitigation Measure 3.4-1b: Evaluation of cultural resources if avoidance is not feasible. If avoidance is not feasible, prior to any ground disturbing activity, known cultural resources that can not be avoided shall be evaluated further by a qualified archaeologist to determine the resources' eligibility to the California Register or local historic register and potential significance under CEQA. This can be accomplished by

implementing extended Phase I archaeological testing, which would involve relocating the resources, thoroughly documenting them, and conducting limited subsurface testing to obtain more data. Any archaeological testing should be carried out by an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology. If, after extended Phase I archaeological testing, a resource is determined to be eligible to the California Register or local historic register, a site treatment plan or additional protection measures will be developed. If the site evaluation results in an assessment that a resource is not eligible, no further work or protective measures will be necessary.

Mitigation Measure 3.4-1c: Monitoring by a qualified archaeologist and Native American representative during ground disturbing activities. Prior to issuance of a grading permit, an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology shall be retained by JBWD to monitor all ground-disturbing activities, including brush clearance and grubbing. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the lead agency and based on the grading plans. In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated.

Due to the sensitivity of the project area for Native American resources, at least one Native American monitor shall also monitor all ground-disturbing activities in the project area. Selection of monitors shall be made by agreement of the Native American groups identified by the Native American Heritage Commission as having affiliation with the project area.

Mitigation Measure 3.4-1d: Cease Work if Prehistoric, Historic or Paleontological Subsurface Cultural Resources are Discovered During Ground-Disturbing Activities. If cultural resources are encountered, all activity in the vicinity of the find shall cease until it can be evaluated by the archaeological monitor. If the archaeological monitor determines that the resources may be significant, the archaeological monitor will notify the lead agency and will develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American monitors or other appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature.

In considering any suggested mitigation proposed by the archaeologist in order to mitigate impacts to cultural resources, the project proponent will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project site while mitigation for cultural resources is being carried out.

Rational/Supporting Explanation: The specific site of the recharge basins has not yet been determined and so no specific impact to resources in the area can be identified. However, construction of the basins on or near the cultural resources would result in significant impacts to the resources. While there is insufficient information at this time to determine if the sites are eligible for the California Register, until they are, the resources should be considered potentially eligible in order to yield information important to prehistory or history. Project impacts to cultural resources would be reduced to a less than significant level with Mitigation Measures 3.3-

1a through 3.3-1d and would apply equally for each Recharge Basin Alternative and during pipeline construction. (Draft EIR p. 3.4-17)

Impact 3.4-2: The Final EIR concludes in Impact 3.4-2 that implementation of the proposed project could adversely affect paleontological resources. (Draft EIR p. 3.4-19)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.4-2 would reduce the significant impact to a less than significant level.

> **Mitigation Measure 3.4-2: Accidental discovery of paleontological resources.** If paleontological resources are encountered during the course of construction and monitoring, JBWD shall halt or divert work and notify a qualified paleontologist who shall document the discovery as needed, evaluate the potential resource, assess the significance of the find, and develop an appropriate treatment plan in consultation with JBWD.

Rational/Supporting Explanation: The project area is made up of Quaternary and older alluvium that have a low potential to produce fossils. Paleontological resources can be uncovered and inadvertently damaged even in these low sensitive areas, posing a significant impact. With implementation of Mitigation Measure 3.4-2 with any accidental discovery of paleontological resources, the impact would be reduced to a less than significant level. (Draft EIR p. 3.4-19)

Impact 3.4-3: The Final EIR concludes in Impact 3.4-3 that implementation of the proposed project could result in the disturbance of human remains. (Draft EIR p. 3.4-19)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.4-3 would reduce the significant impact to a less than significant level.

> **Mitigation Measure 3.4-3: Halt Work if Human Skeletal Remains are Identified During Construction.** If human skeletal remains are uncovered during project construction, the project proponent (depending upon the project component) will immediately halt work, contact the San Bernardino County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County coroner determines that the remains are Native American, the project proponent will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendents regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

Rational/Supporting Explanation: Neither archival research results nor archaeological surveys indicated that any particular location in the project area has been used for human burial purposes in the recent or distant past. Nonetheless, given the high level of prehistoric activity in prehistoric sites near or within the project area, the discovery of burials could be possible and be subject to damage during construction. Impact would be reduced to a less than significant level with implementation of Mitigation Measure 3.4-3 in conjunction with Mitigation Measures 3.4-1a,-1b,-1c and -1d. (Draft EIR p. 3.4-19)

5.5 Geology and Soils

5.5.1 Project-Level Impacts

Impact 3.5-1: The Final EIR evaluates in Impact 3.5-1 whether the proposed project could expose people or structures to substantial adverse effects, including the risk of loss, injury, or death from surface rupture, strong ground shaking, liquefaction, or landslides caused by seismic activity. (Draft EIR p. 3.5-10)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.5-1would reduce the significant impact to a less than significant level.

> **Mitigation Measure 3.5-1a:** Prior to the approval of construction plans for the project, JBWD shall complete a design-level geotechnical investigation, including a percolation test. The geotechnical evaluation shall identify soil properties and percolation rates needed for the development of site-specific design criteria. Recommendations made as a result of these investigations to protect new structures from seismic hazards shall become incorporated into the proposed project.
>
> **Mitigation Measure 3.5-1b:** Recharge Basin Alternative 1 would be designed to avoid construction over the known fault traces of the Pinto Mountains Fault as described by the USGS.

Rational/Supporting Explanation: The Pinto Mountain Fault is within or in close proximity to locations of the proposed project, especially near Recharge Basin Alternative 1. A seismic event involving this Fault could cause considerable stress on the pipeline and recharge basins. Compliance with CBC requirements would minimize the potential for damage from strong ground shaking that could occur over the life of the project and pose a significant impact to the project components. Liquefaction hazards could occur but factors governing the soil saturation of the recharge basins would control and prevent substantial increase within and adjacent to neighboring properties. Locations of construction sites are of gentle relief and are not expected to be highly susceptible to landslides. Mitigation Measure 3.5-1a and 3.5-1b would require a design-level geotechnical investigation and ensure Recharge Basin Alternative 1 is designed to avoid

construction over known faults for the propose project and therefore would reduce impacts to a less than significant level. (Draft EIR p. 3.5-10)

Impact 3.5-2: The Final EIR concludes in Impact 3.5-2 that the proposed project could be located on soil that is unstable or would become unstable as a result of the proposed project, or could result in substantial soil erosion or the loss of topsoil. (EIR p. 3.5-10)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.5-2 would reduce the significant impact to a less than significant level.

> **Mitigation Measure 3.5-2a:** Final design for recharge basins shall ensure that water elevation including freeboard requirements does not exceed original grade elevations.
>
> **Mitigation Measure 3.5-2b:** JBWD shall install soil erosion control measures that could include but would not be limited to sediment barriers and landscape vegetation to act as a wind block as well as a soil stabilizer. Storm flow diversion structures shall be similarly designed with velocity dissipaters, detention capacity, and armoring needed to avoid scouring.

Rational/Supporting Explanation: The proposed project includes construction of an earthen berm composed of excavated soils from the project sites. Soils in the region are highly susceptible to water and wind erosion with soils from the project sites known to be sandy and susceptible to erosion due to limited vegetation. Project construction and operation would result in land disturbance and movement of sandy soils that could lead to short-term losses of topsoil. Implementation of Mitigation Measure 3.5-2 would ensure water and wind erosion of soils would be minimized to less than significant levels. (Draft EIR p. 3.5-10-11)

5.6 Hazards and Hazardous Materials

5.6.1 Project-Level Impacts

Impact 3.6-1: The Final EIR concludes in Impact 3.6-1 that accidental upset of hazardous materials used during project construction may increase the risk of exposure to the environment, workers, and the public. (Draft EIR p. 3.6-7)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.6-1 would reduce the significant impact to a less than significant level.

> **Mitigation Measure 3.6-1:** Construction contractor(s) shall be required to implement best management practices (BMPs) for handling hazardous materials during the project. The use

of the construction BMPs shall minimize negative effects on groundwater and soils, and will include, without limitation, the following:

- Follow manufacturers' recommendations and regulatory requirements for use, storage, and disposal of chemical products and hazardous materials used in construction;
- Avoid overtopping construction equipment fuel tanks;
- During routing maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

Rational/Supporting Explanation: Construction of the new pipeline and recharge basins would require equipment utilizing hazardous materials that could accidently be spilled or otherwise released into the environment. This exposure to construction workers, the public and/or the environment is a potential hazardous condition. Project operations would not require the use of any hazardous materials and therefore would not have significant exposure impacts. With implementation of Mitigation Measure 3.6-1, project impacts would be reduced to less than significant levels. (Draft EIR p. 3.6-7)

Impact 3.6-2: The Final EIR concludes in Impact 3.6-2 that proposed project will handle hazardous materials within one-quarter mile from the Friendly Hills Elementary School. (Draft EIR p. 3.6-8)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, implementing Mitigation Measures 3.6-1 would reduce the significant impact to a less than significant level.

Mitigation Measure: Implement Mitigation Measure 3.6-1.

Rational/Supporting Explanation: Construction of the new pipeline and recharge basins would require equipment utilizing hazardous materials that have potential to be spilled or released and could be exposed to students in the nearby Friendly Hills Elementary School (within one-quarter mile of project site). The potential significant impact limited to construction phase of the project would be reduced with implementation of Mitigation Measure 3.6-1 (see Impact 3.6-1) to a less than significant level. (Draft EIR p. 3.6-8)

Impact 3.6-3: The Final EIR evaluates in Impact 3.6-3 whether construction activities in the vicinity of SR 62 and Sunset Avenue would have the potential to expose people or equipment to risk of loss, injury, or death involving wildland fires. (Draft EIR p. 3.6-8)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.6-3 would reduce the significant impact to a less than significant level.

Mitigation Measure 3.6-3a: JBWD shall coordinate with local fire agencies to develop a fire safety plan, which describes various potential scenarios and action plans in the event of a fire.

Mitigation Measure 3.6-3b: During construction, all staging areas, welding areas, or areas slatted for development using spark-producing equipment shall be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. Construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks.

Rational/Supporting Explanation: Components of the proposed project, specifically the pipeline, pass directly through an area of high fire severity along SR 62 to reach Recharge Basin Alternative 3. This area may be susceptible to wildland fires as construction of the project requires equipment and activities that could result in accidental spills that lead to fire-related hazards. JBWD will coordinate with local fire agencies to develop a safety plan and would remove dried vegetation or any material that could ignite from the construction area. Mitigation Measure 3.6-3a and 3.6-3b would reduce impacts to a less than significant level. (Draft EIR p. 3.6-9)

5.7 Hydrology, Water Quality and Groundwater

5.7.1 Project-Level Impacts

Impact 3.7-1: The Final EIR concludes in Impact 3.7-1 that construction and operation of the proposed project could violate water quality standards or waste discharge requirements. (Draft EIR p. 3.7-11)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.7-1a through 3.7-1e would reduce the significant impact to a less than significant level.

Mitigation Measure 3.7-1a: The JBWD shall include in contractor specifications that the contractor is responsible for developing and implementing the BMPs to minimize impacts to water quality. The BMPs shall be maintained at the site for the entire duration of construction.

The objectives of the BMPs are to identify pollutant sources that may affect the quality of storm water discharges and to implement measures to reduce pollutants in storm water discharges. The BMPs for the proposed project shall include, but not be limited to, the implementation of the following elements:

- Identification of all pollutant sources, including sources of sediment that may affect the quality of storm water
- Identification of non-storm water discharges;

- Estimate of the construction area;
- Identification of erosion and sedimentation control measures, waste management practices, and spill prevention and control measures; and

Mitigation Measure 3.7-1b: Septic tank mapping shall be conducted to help locate where current and future nitrate levels in groundwater could increase.

Mitigation Measure 3.7-1c: Groundwater monitoring wells shall be installed to monitor the recharged water and groundwater. The exact number and location of monitoring wells will depend on the final recharge site configuration and the location of the mapped septic systems.

Mitigation Measure 3.7-1d: Water quality sampling of monitoring wells shall be conducted to provide early detection of potential nitrate problems, as well as other potential contaminates.

Mitigation Measure 3.7-1e: JBWD shall cease recharge operations if groundwater levels in neighboring properties are less than 50 feet below ground surface.

Rational/Supporting Explanation: The proposed project's construction activities could result in a significant impact to the water quality of Yucca Creek, Joshua Creek, and Quail Wash due to soil erosion and the subsequent discharge of sediment to down gradient surface waters or drainages. BMPs to control these impacts would be implemented to ensure that water quality is not impaired. The proposed project's effect on local groundwater would be minor compared to the anticipated benefits of nitrate dilution and requirements, which would be consistent with the SWRCB's Anti-Degradation Policy requirements. Impacts would be less than significant with implementation of Mitigation Measures 3.7-1a through 3.7-1e. (Draft EIR p. 3.7-13)

Impact 3.7-2: The Final EIR concludes in Impact 3.7-2 that the proposed project would be constructed within the 100-year floodplain and could result in modifications to the floodplain. (Draft EIR p. 3.7-14)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measure 3.7-2 would reduce the significant impact to a less than significant level.

Mitigation Measure 3.7-2a: JBWD shall retain a qualified hydrologist to evaluate the impact to the floodplain and to design diversion structures that would minimize impacts to the floodplain both upstream and downstream. The diversion structures will include velocity dissipaters to prevent scouring resulting from flow channelization across the site and discharge downstream. The diversion structures may need to be armored to prevent scouring of the recharge basin perimeter berms.

Mitigation Measure 3.7-2b: Following installation of the recharge basin, JBWD shall prepare a Letter of Map Revision for submittal to the Federal Emergency Management Agency.

Mitigation Measure 3.7-2c: During construction, flow diversion structures shall be employed to prevent inundation of construction sites (recharge basin as well as pipeline corridor) from flash flooding. The final design of these temporary flow diversion structures will be approved by a qualified hydrologist to ensure the safety of construction workers and surrounding land uses within the floodplain.

Mitigation Measure 3.7-2d: Prior to construction, JBWD will obtain a permit from the San Bernardino County Flood Control District for installing features within the Flood Control District property.

Rational/Supporting Explanation: The construction of the proposed pipeline would be constructed within the 100-year floodplain but this underground extension would not impede or redirect flood water therefore not affecting local floodplains in and around the area. Recharge Basins Alternative 1 and 3 would be constructed at sites that are within a 100-year flood hazard area of both Yucca and Joshua Creeks. Alternative 2 would not be within a 100-year floodplain but the installation could channelize sheet flow around the surface structures, which could result in flooding off-site upstream and down stream. Mitigation Measure 3.7-2a through 3.7-2d would ensure a less than significant impact level and that measures were implemented to reduce scouring and flooding potential, to redirect drainages, and to protect construction zones and surrounding areas from flash flooding. (Draft EIR p. 3.7-15-16)

5.10 Traffic and Circulation

5.10.1 Project-Level Impacts

Impact 3.11-1: The Final EIR concludes in Impact 3.11-1 that construction activity would temporarily disrupt traffic near the project area. (Draft EIR p. 3.11-6)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.11-1a through 3.11-1c would reduce the significant impact to a less than significant level.

Mitigation Measure 3.11-1a: JBWD shall obtain the necessary road encroachment permits prior to construction and will comply with the applicable conditions of approval. Road encroachment permits may be necessary on SR 62 and Yucca Mesa Road.

Mitigation Measure 3.11-1b: JBWD will require the contractor(s) to prepare a Traffic Control Plan in accordance with professional engineering standards prior to construction. The Traffic Control Plan could include the following requirements:

- Access for local land uses including residential driveways, commercial properties, and agricultural lands shall be maintained during construction activities.
- Emergency services access to local land uses will be maintained at all times for the duration of construction activities. Local emergency service providers will be informed of road closures and detours.

Mitigation Measure 3.11-1c: JBWD shall monitor road-wear resulting from construction vehicle trips on side roads and will repair roadways to their original condition consistent with County road standards following construction.

Rational/Supporting Explanation: Construction-generated traffic would be temporary and therefore would not result in long-term degradation of operating conditions or levels of service on any roadways along the project area sites. The primary impacts from the movement of construction trucks would include short-term and intermittent lessening of roadway capacities due to slower movements and larger turning radii of the trucks compared to passenger vehicles. Further, road-wear impacts may result from vehicle trips during construction. Implementation of Mitigation Measures 3.11-1a through 3.11-1c would reduce impacts to less than significant levels. (Draft EIR p. 3.11-6)

CHAPTER 6
Significant Environmental Impacts

Pursuant to CEQA Guidelines Section 15091, the following project impacts are significant environmental effects for which feasible mitigation measures are not available to avoid or substantially lessen the significant environmental effects to below a level of significance. The impacts would remain significant and unavoidable.

6.1 Aesthetics

6.1.1 Project-Level Impacts

Impact 3.1-2: The Final EIR concludes in Impact 3.1-2 that operation of Recharge Basins would have a substantial adverse effect on a scenic vista. (Draft EIR p. 3.1-8)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.1-2 would implement procedures to reduce impacts to the scenic vista associated with Alternatives 1 and 2. After implementation of the measures, aesthetic impacts would still exceed less-than-significant thresholds, and JBWD finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

> **Mitigation Measure 3.1-2:** JBWD shall establish a visual screen around the perimeter of the recharge basins using native, drought-tolerant vegetation.

Rational/Supporting Explanation: The proposed project would result in substantial alteration to the scenic vista at the Recharge Basin Alternatives' 1 and 2 sites. Views from SR 62 would change from undeveloped open space dominated by Joshua trees and desert vegetation to views of large recharge ponds that will fluctuate being wet or dry during the year. Earthen berms would be built to surround the basin facility to provide some screening of the facilities from the road, but due to the slope, the berms would not completely obscure views. Recharge Basin Alternatives 1 and 2 impact the scenic vistas most notably from SR 62, which is an eligible scenic highway. The impact would be significant and unavoidable as this proposed development would be visible as an encroachment to an area that is relatively undisturbed. While Mitigation Measure 3.1-2 would reduce impacts on scenic vistas associated at these two sites, the impact would remain significant and unavoidable. (Draft EIR p. 3.1-14)

Impact 3.1-4: The Final EIR concludes in Impact 3.1-4 that installation of Recharge Basins could substantially degrade the existing visual character or quality of the site and its surroundings. (Draft EIR p. 3.1-14)

Finding: JBWD finds that changes or alterations have been required in, or incorporated into, the proposed project that lessen the significant environmental effect as identified in the Final EIR. Specifically, Mitigation Measures 3.1-2 would require JBWD to establish a visual screen around the perimeter of the recharge basins (earthen berm) using native, drought-tolerant vegetation. This visual screen would lessen the impact to the visual character of the area and preserve the unique environmental features of the Desert Region that the Joshua Tree community reside in. After implementation of the measure, aesthetic impacts would still exceed less-than-significant thresholds, and JBWD finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

Mitigation Measure: Implement Mitigation Measure 3.1-2.

Rational/Supporting Explanation: JBWD finds that construction of the proposed project Recharge Basins would result in a physical change to the scenic vistas of the Joshua Tree community and could substantially degrade the existing visual character or quality of the site and its surroundings. The Joshua Tree Community Plan requires that areas of new development provide adequate screening. Even with the earthen berm, and vegetation and fencing around the recharge basins, the proposed sites (Alternative 1 and 2) would substantially alter the visual character of the project with the removal of Joshua trees and other natural elements unique in the area. JBWD finds that Mitigation Measure 3.1-2 adopted for this impact will remain significant and unavoidable. (Draft EIR p. 3.1-15)

CHAPTER 7
Findings Regarding Project Alternatives

The Board of Directors hereby declares that it has considered and rejected as infeasible the alternatives identified in the Final EIR and described below. CEQA requires that an EIR evaluate a range of reasonable alternatives to a project, or to the location of the project, which would feasibly obtain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines §15126.6). The No Project alternative must be evaluated, and if it is the environmentally superior alternative, another environmentally superior alternative must be identified among the other alternatives (CEQA Guidelines Section 15126.6(e)).

The objectives for the proposed project are as follows:

- Provide additional groundwater recharge, storage, and recovery capacity in the Joshua Basin region;
- Allow the storage of water during wet hydrologic periods for recovery and use during dry periods, to provide JBWD customers with increased water supply reliability;
- Reduce the demand for local groundwater; and
- Enhance water supply reliability.

In addition to the proposed project, the Final EIR evaluated three other project alternatives. In summary, the No Project Alternative does not meet the project objectives. With no construction of recharge basins and not extending the pipeline from Morongo Basin, JBWD would continue to rely on groundwater for its water supply and the Joshua Tree sub-basin would continue to be overdrafted each year. The Existing Demand Recharge Capacity Alternative (Alternative 2) would be similar to the proposed project but the design of the recharge basin would be such that the recharge capacity would only meet the existing water supply demand of approximately 1,600 afy. The Existing Demand Recharge Capacity Alternative would meet most of the project objectives but the recharge basins under this plan would not allow for recovery of ground water that has been overdrawn but never restored due to demand exceeding average annual recharges. The Increased Recharge Capacity Alternative (Alternative 3) would be similar to the proposed project, expect there would be two to three recharge basins and/or one larger basin constructed. Two or three of the proposed recharge basins would be built rather than selecting just one site, allowing for increased recharge capacity. However, this alternative would not reduce impacts associated with the proposed project and would result in increased impacts related to air quality, biological resources and cultural resources. Overall, the Existing Demand Recharge Capacity

Alternative is environmentally superior to the proposed project as compared to the No Project Alternative and the Increased Recharge Capacity Alternative.

7.1 No Project Alternative

Description: According to Section 15126.6(e) of the CEQA Guidelines, discussion of the No Project Alternative must include a description of existing conditions and reasonably-foreseeable future conditions that would exist if the project were not approved. Under the No Project Alternative, construction of facilities and pipeline extension under the proposed project would not be implemented. Under the No Project Alternative, groundwater would remain the only source of potable water in the JBWD service area and JBWD would not be able to meet future water demands with a low reliability of water supply for customers. (Draft EIR p. 6-3)

Finding: The Board of Directors finds that the No Project Alternative is infeasible because it fails to meet any Project objectives or provide the benefits of the Project related to water supply reliability.

Rational/Supporting Explanation: Implementation of the No Project Alternative would result in no improvement to groundwater supplies and groundwater recharge because the proposed reduction in demand for groundwater would not be realized. In the absence of the proposed project, increased dependence on local groundwater resources could further exacerbate existing overdraft conditions and further degrade groundwater quality. Therefore, implementation of the No Project Alternative would not meet any of the stated project objectives. (Draft EIR p. 6-3)

Under the No Project Alternative, the impacts identified in Chapter 3 and 4 that are associated with construction and operation of the proposed project would be avoided. However, the No Project Alternative would not result in the beneficial impacts associated with the proposed project, including importation of SWP water, which would recharge the Joshua Tree sub-basin and help stabilize water supplies. (EIR p. 6-6)

7.2 Alternative 2: Existing Demand Recharge Capacity

Description: Alternative 2 would follow similar plans as the proposed project, except the design of the recharge basin would only meet existing water supply demands. To allow a recharge capacity of 1,600 afy, the recharge basin alternative would be designed to accommodate about 3,200 afy. Alternative 2 would also result in a smaller construction area, approximately 22 wet acres versus 29 acres. The proposed pipeline extension would still be installed as described in the proposed project. (Draft EIR p. 6-6)

Finding: The Board of Directors finds that the Existing Demand Recharge Capacity Alternative (Alternative 2) is infeasible because it fails to meet some of the Project objectives, does not avoid or substantially lessen some of the significant effects of the Project, and potentially worsens some of the significant impacts associated with project construction.

Rational/Supporting Explanation: Implementation of Alternative 2 would meet some of the stated project objectives and result in fewer impacts to those in Chapters 3 and 4 for the proposed project. Impacts related to construction of the proposed project, including impacts to air quality, biological and cultural resources. Alternative 2 would also not indirectly result in growth due to recharge supplies not exceeding current demands. However, there would be no additional groundwater recharge storage and recovery capacity for potential increase in demands in the Joshua Basin region. Even without the proposed project's added recharge capacity, 7,000 vacant parcels still exist within the community of Joshua Tree, most of which could be developed with only a building permit, more than doubling the amount of water now used. Alternative 2 would still not reduce the significant and unavoidable impacts to aesthetic resources nor will it replenish the groundwater supplies that have already been depleted. Taking all into consideration, the proposed project would provide a greater beneficial impact of replenishing groundwater supplies and water reliability to the Joshua Tree region compared to Alternative 2. (Draft EIR p. 6-6)

7.2 Alternative 3: Increased Recharge Capacity

Description: Alternative 3 is similar to the proposed project, except there would be two to three recharge basins and/or one larger recharge basin constructed instead of the proposed project basins. The three locations for the recharge basins would remain under the same design as the proposed project but there would be more than one selected for construction as opposed to one. As a result, each basin would have an estimated recharge capacity of approximately 4,000 afy, which could increase if basins had recharge capacities in excess of 4,000 afy. (Draft EIR p. 6-9)

Finding: The Board of Directors finds that the Increased Recharge Capacity Alternative (Alternative 3) is infeasible because it does not avoid or substantially lessen some of the significant effects of the Project, and potentially worsens some of the significant impacts associated with project construction.

Rational/Supporting Explanation: Implementation of Alternative 3 would meet all of the stated project objectives and allow for greater supply reliability and reduces demand on local groundwater. Impacts, however, would be magnified in areas such as air quality, biological, and impacts associated with aesthetics would remain significant and unavoidable. Alternative 3 would also indirectly result in growth as an increase in water supply would allow for greater population than currently projected by the Joshua Tree Community Plan or the JBWD 2005 UWMP. Overall, the proposed project would provide a greater beneficial impact of replenishing groundwater supplies and water reliability to the Joshua Tree region compared to Alternative 3. (Draft EIR p. 6-9)

CHAPTER 8

Statement of Overriding Considerations

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the District has balanced the benefits of the proposed Recharge Basin and Pipeline Project Final EIR against the following unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. JBWD has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed project is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors discussed in Chapter 7.

8.1 Significant Unavoidable Impacts

8.1.1 Aesthetics

Based on the information and analysis set forth in the Final EIR and the record of proceedings, construction of the proposed recharge basin and pipeline would result in significant impacts related to aesthetics. In some locations, recharge basin construction and operation would disturb scenic vistas in the immediate area. Recharge Basin Alternative 1 and 2 would impact views from an eligible scenic highway and would be visible as an encroachment of development within an otherwise undisturbed area. Implementation of Mitigation Measures 3.1-2 would have JBWD establish a visual screen around the perimeter of the recharge basins using native, drought-tolerant vegetation. However, even with this measure, the two sites would substantially alter the visual character of the project sites through the removal of Joshua tree woodland and other desert vegetation. Impacts would be significant and unavoidable. (Draft EIR p. 3.1-8)

8.1.2 Secondary Effects of Growth

Implementation of the proposed project could result in indirect increase in population. The proposed project itself, therefore, may be growth inducing and could induce secondary effects of growth. Some potentially adverse secondary effects could result from development of planned land uses in the project area from implementation of the County General Plan. The General Plan EIR identifies significant and unavoidable impacts to the following resources as a result of its implementation: aesthetics, agricultural resources, air quality, biological resources, hazards and hazardous materials, and traffic and circulation.

New development would be subject to review and approval by the County, including review for CEQA documentation requirements. Future growth with potentially significant impacts would be subject to mitigation measures under CEQA, which would reduce or eliminate impacts. The reporting of impacts under CEQA would also go through the necessary public and agency review process, and decision-makers would be informed of the consequences of approving such projects.

Although determining the magnitude and characteristics of the secondary growth, and in turn its impacts, is speculative and on its own would not guarantee growth inducement, this Draft EIR conservatively determines that the project could contribute to a secondary adverse impact on the environment with regard to aesthetics, agricultural resources, air quality, biological resources, hazards and hazardous materials, and traffic and circulation.

8.2 Project Benefits

The JBWD has (i) independently reviewed the information in the Final EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) balanced the Project's benefits against the Project's significant unavoidable aesthetic impacts. The District finds that the project's benefits outweigh the project's temporary significant unavoidable impacts, and chooses to approve the Project, despite its significant and unavoidable effects, because, in its view, those impacts are considered acceptable in light of the Project's benefits. The District finds that each of the following benefits is an overriding consideration, independent of the other benefits, which warrants approval of the Project notwithstanding the Project's significant unavoidable impacts to aesthetics and to secondary effects of growth. Substantial evidence supports the various benefits. Such evidence can be found in the preceding findings, which are incorporated by reference into this section, the Final EIR, and the documents which make up the Record of Proceedings. Construction of the Recharge Basin and Pipeline Project would provide public benefits described below.

8.2.1 Groundwater Recharge

The Joshua Water Basin District is faced with serious challenges with respect to management of water resources in the region. Potable water for the community of Joshua Tree is supplied entirely by groundwater. Estimated around 1,600 afy currently pumped from the basins, the Joshua Tree sub-basin is currently overdrafted each year by approximately 400 af (GEI, 2009). Importing water is highly needed to alleviate the condition, replenish water supplies, and increase supply reliability for the region. (Draft EIR p. 2-4)

The proposed project would greatly enhance the groundwater recovery and replenishment of water supplies to the Joshua Tree region. JBWD has an agreement in place with MWA in which JBWD is entitled to 1,959 afy of SWP water until the year 2022 (subject to availability) delivered by the Morongo Pipeline. Extension of this pipeline to these proposed recharge basin locations would enable JBWD to receive water entitled under this agreement and in turn continue to have a reliable source for customers. The proposed project cannot be implemented in a way that accomplishes the basic project objectives without resulting to direct construction and operational impacts. JBWD finds that the overall benefit of the proposed project outweighs these environmental impacts.

The proposed project is located in the Joshua Tree community, which encompasses about 96 acres of the Desert Region of San Bernardino County. Guidelines in maintaining this landscape

must be followed to preserve this desert character to both residents and travelers passing by. The visual character near and within the proposed recharge basin locations would be significantly impacted by these project components, but the need for higher levels in reservoirs and increased water supply reliability during dry periods for use by the community and region ultimately surpass this unavoidable impact. The high reliance on the groundwater supply in the area is evidence of how important this resource is to the functioning of local activities. Implementing the proposed recharge basins will not only supply current demands in the area but would be able to replenish resources already overdrawn and account for any potential increases in the future. The long-term beneficial gains from this development have a greater impact to the region that outweighs the aesthetic impacts to the proposed basin site.

8.3 Statement of Overriding Considerations

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the JBWD has determined that the unavoidable adverse environmental impacts identified may be considered "acceptable" due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

JBWD has considered information contained in the Final EIR as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable aesthetic impacts will result from construction and operation of the project as well as secondary effects of growth, the JBWD adopts the foregoing Statement of Overriding Considerations. Having adopted all feasible mitigation measures and recognized all unavoidable significant impacts, the JBWD hereby finds that the benefit of the proposed project, as stated herein, is an overriding consideration that warrants approval of the project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the JBWD Recharge Basin and Pipeline Project.

CHAPTER 9
Findings on Mitigation Monitoring and Reporting Program

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, JBWD finds that implementation of the mitigation measures and project design standards identified in the Final EIR would substantially lessen the significant environmental impacts resulting from the project. These mitigation measures and project design standards have been required in, or incorporated into the project. In accordance with Section 15091 (d), and Section 15097 of the CEQA Guidelines, which require a public agency to adopt a program for reporting or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, the Mitigation Monitoring and Reporting Program provided in this chapter is hereby adopted as the mitigation monitoring and reporting program for this project.

This Mitigation Monitoring and Reporting Program (MMRP) summarizes impacts and mitigation commitments identified in the Recharge Basin and Pipeline Project EIR. Table 1 provides project-level impacts, mitigation measures, corresponding implementation, monitoring, and reporting tasks, responsible agency, and timing of implementation. Impacts and mitigation measures are presented in the same order as they occur in the Final EIR. The columns in the table provide the following information:

- **Environmental Impact:** A description of the significant or potentially significant impact to the environment as a result of the project, as stated in the Final EIR.
- **Mitigation Measure(s):** The action(s) that will be taken to reduce the impact to a less-than-significant level.
- **Implementation, Monitoring, and Reporting Tasks:** This column outlines the appropriate steps to implement and verify compliance with the mitigation measures.
- **Responsibility:** This column lists the agency responsible for ensuring implementation of the mitigation measure. JBWD or one of the Responsible Agencies (i.e. implementing agencies) will assume responsibility for all monitoring and reporting actions.
- **Monitoring Schedule:** This column indicates the general schedule for conducting each monitoring task, either prior to construction, during construction, and/or after construction.

CHAPTER 10
CERTIFICATION OF EIR AND PROJECT APPROVAL

10.1 CERTIFICATION OF EIR

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15090, the JBWD certifies that:

1. The EIR, State Clearinghouse No. 2008111082, is an accurate and objective statement that fully complies with CEQA, the CEQA Guidelines;

2. The EIR was presented to the Board of Directors, which is the decision making body for JBWD, and the Board reviewed and considered the information in the EIR prior to approving the Project; and

3. The EIR reflects JBWD's independent judgment and analysis.

The JBWD's Board of Directors further finds that no comments or responses to comments made during the review period for the EIR, or any other public hearing on the Project, rise to the level of significant new information requiring recirculation or additional environmental review pursuant to CEQA Guidelines Section 15088.5.

As required by Public Resources Code Section 21081.6, the Board, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program, designated to ensure that, during Project implementation, the JBWD and other responsible parties (implementing agencies) will comply with the mitigation measures adopted in these Findings.

The Board hereby finds that the Mitigation Monitoring and Reporting Program, which is attached hereto as Chapter 9, meets the requirements of Public Resources Code Section 21081.6.

10.2 PROJECT APPROVAL

Based on the entire record before the Board of Directors, including the above Findings and all written evidence presented to the Board hereby approves the Recharge Basin and Pipeline Project.

A Notice of Determination shall be filed with San Bernardino County within five (5) working days of final Project approval.

TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
Aesthetics						
3.1-1: Construction activities associated with the proposed project could have a substantial adverse effect on a scenic vista.	**3.1-1:** Following construction, JBWD shall restore disturbed areas along the pipeline corridor by reestablishing pre-existing conditions including topography and vegetation if applicable along the edge of SR 62 in coordination with Caltrans and County requirements.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measure by maintaining a record of construction oversight for the administrative record.	JBWD	X	X	X
3.1-2: Operation of Recharge Basins would have a substantial adverse effect on a scenic vista.	**3.1-2:** JBWD shall establish a visual screen around the perimeter of the recharge basins using native, drought-tolerant vegetation	• Include mitigation measures in the construction contract specifications.	JBWD	X		X
3.1-3: Implementation of the proposed project could substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.	**3.1-3:** Implement Mitigation Measures 3.3-4a and 3.3-4b from Section 3.3, Biological Resources.	• Include mitigation measures in the construction contract specifications. • Ensure appropriate permits are obtained.	JBWD	X		
3.1-4: Installation of Recharge Basins could substantially degrade the existing visual character or quality of the site and its surroundings.	**3.1-4:** Implement Mitigation Measure 3.1-2	• Include mitigation measures in the construction contract specifications.	JBWD	X		
Air Quality						
3.2-1: Project construction would emit criteria pollutants during the short-term duration of construction.	**3.2-1:** General contractors shall implement a fugitive dust control program pursuant to the provisions of MDAQMD Rule 403	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measure by maintaining a record of construction oversight for the administrative record.	JBWD		X	
3.2-3: The Final EIR concludes in impact 3.2-3 that the project could emit objectionable odors as recharge basins dry.	**3.2-3:** JBWD will send notices to neighboring land owners and tenants identifying a point of contact at the District for any concerns the community may have regarding operation of the basins. The District will attempt to rectify nuisance conditions at the site in coordination with local residents when concerns are raised.	• Prepare and mail notices.	JBWD	X		
Biological Resources						
3.3-1: Implementation of the proposed project could have a substantial adverse effect on listed, candidate or special-status ground dwelling wildlife species.	**3.3-1a:** JBWD shall install a chain-link or tortoise fence (one-inch by two-inch welded wire mesh attached to the chin-link fence, with approximately two feet above ground and one foot buried below ground) to exclude small wildlife species from entering the active work areas. Exclusion fencing can be limited to areas of documented occurrences of special-status wildlife as determined during pre-construction surveys by a qualified biologist.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record. • Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.	JBWD	X	X	X
	3.3-1b: JBWD shall conduct absence surveys for desert tortoise and pallid San Diego pocket mouse in all proposed disturbance areas that provide potential habitat. Surveys shall follow the USFWS protocol (USFWS, 1992) or other appropriate site-specific protocol as determined in coordination with USFWS.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record. • Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.	JBWD	X		
	3.3-1c: If USFWS-approved surveys do not identify desert tortoise or pallid San Diego pocket mouse within proposed disturbance areas, the following measures shall be implemented: • Prior to working on the project, all site managers and construction employees shall be educated as to the natural history, endangerment factors, and appropriate protocol for	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the	JBWD	X	X	

TABLE 1 (CONT.)
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
	dealing with tortoise encountered in and around the construction areas • In addition, if a tortoise is observed during construction, all construction shall be halted in the immediate area and the USFWS and CDFG must be immediately notified to determine necessary actions.	administrative record. • Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.				
	3.3-1d: If USFWS-approved surveys identify desert tortoise on any of the undeveloped lands to be cleared by JBWD, a Desert Tortoise Protection and Mitigation Plan shall be developed and adopted in consultation with the USFWS and CDFG. Elements of the plan shall include, but not be limited to the following: • Pre-construction desert tortoise surveys and tortoise relocation to an approved off-site location by a qualified biologist; • Staking of approved disturbance areas in the field and installation of temporary tortoise exclusion fencing around active construction areas; • A worker education program including the natural history, endangerment factors, and appropriate protocol for dealing with tortoise encountered in and around the construction areas; • Enforcement of speed limits and checking under vehicles for tortoise; • Biological monitoring of all ground disturbance; and • Measures to prevent increased use of the project site by common ravens through trash management, removal of unnatural sources of standing water, and other means. • Compensatory mitigation for desert tortoise habitat loss shall be made available in perpetuity for the protection of the desert tortoise for the conversion of any potentially suitable habitat at a ratio determined in consultation with CDFG and USFWS. The location and conservation management of the identified compensatory lands shall be approved by USFWS pursuant to Sections 10a of the Federal ESA and by the CDFG pursuant to Section 2081 of the California Fish and Game Code.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record. • Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.	JBWD	X	X	
3.3-2: Implementation of the proposed project could have a substantial adverse effect on listed, candidate or special-status bat and avian species.	**3.3-2a:** Prior to any ground-disturbing activities, JBWD shall have a qualified biologist conduct a pre-construction spring/summer active season reconnaissance survey for nesting/roosting special-status mobile bird and bat species, and other nesting birds within 300 feet (500 feet for raptors) of the construction limits of each project element to determine and map the location and extent of special-status species occurrence(s) that could be affected by the project.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X		
	3.3-2b: JBWD shall avoid direct impacts on any nesting birds located within the limits of construction. This could be accomplished by establishing the construction right of way and removal of plant material outside of the typical breeding season (February 1 through August 31).	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
	3.3-2c: If construction and vegetation removal is proposed for the bird nesting period of February 1 through August 31, then pre-construction surveys for nesting/roosting bird and bats species shall begin 30 days prior to construction disturbance with subsequent weekly surveys, the last one being no more than three days prior to work initiation. The surveys shall include habitat within 300 feet (500 feet for raptors) of the construction limits. Active nest sites located during the pre-construction surveys shall be avoided and a non-disturbance buffer zone established dependent on the species and in consultation with the USFWS and CDFG. This buffer zone shall be delineated in the field with flagging, stakes or construction fencing. Nest sites shall be avoided with approved non-disturbance buffer zones until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist. For species with high site fidelity, such as Swainson's hawk, if direct take of nests outside of the breeding seasons is required, JBWD shall contact CDFG to determine appropriate mitigation measures.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	

TABLE 1 (CONT.)
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
	3.3-2d: If a natal bat roost site is located within the limits of construction during pre-construction surveys, it shall be avoided with non-disturbance buffer zone established by a qualified biologist in consultation with the USFWS and CDFG until the site is abandoned.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
	3.3-2e: JBWD shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project that also would avoid and minimize impacts on special-status avian and bat species.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
	3.3-2f: JBWD shall instruct construction personnel on the importance of buffer zones and sensitivity of the delineated areas.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X		
	3.3-2g: JBWD shall conduct a burrowing owl survey per the *Burrowing Owl Survey Protocol and Mitigation Guidelines* of the California Burrowing Owl Consortium (1993) or per the *Staff Report on Burrowing Owl Mitigation* prepared by CDFG (1995). At a minimum, this mitigation shall include the following: • A pre-construction survey shall be conducted by a qualified biologist within 30 days of the on-set of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. • If pre-construction surveys are undertaken during the breeding season (February 1st through July 31st) active nest burrows should be located within 250 feet of construction zones and an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. • During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. JBWD shall encourage owls to relocate from the construction disturbance area to off-site habitat areas and undisturbed areas of the project site through the use of one-way doors on burrows. If ground squirrel burrows, stand pipes, and other structures that have been documented during pre-construction surveys as supporting either a nesting burrowing owl pair or resident owl are removed to accommodate the proposed project, these structures and burrows shall be relocated or replaced on or adjacent to the project site. Relocated and replacement structures and burrows shall be sited within suitable foraging habitat within one half-mile of the project area. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X		
3.3-3: Implementation of the proposed project could have a substantial effect on special-status plant species.	**3.3-3a:** JBWD shall have a qualified biologist conduct a pre-construction spring/summer floristic inventory and rare plant survey of the proposed project areas in accordance with CDFG's *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities*, (revised May 8, 2000) to determine and map the location and extent of special-status plant species populations within the construction right-of-way. The survey shall be conducted during the appropriate flowering time for target plant species.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X		
	3.3-3b: If not possible to avoid, JBWD shall minimize impacts on special-status plant species by reducing the construction right-of-way through areas with potential occurrences of special-status plant species. For unavoidable direct impacts to special-status species, consultation with CDFG shall be required to determine the impact area and further mitigation, which could include acquisition of habitat of equal or superior value at a ratio of at least 1:1.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
	3.3-3c: JBWD shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project that would also	• Include mitigation measures in the construction contract specifications.	JBWD	X	X	

TABLE 1 (CONT.)
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
	avoid and minimize impacts on special-status plant species.	• Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.				
	3.3-3d: Earth-moving equipment will avoid maneuvering in areas outside the identified limits of construction in order to avoid disturbing open space areas that will remain undeveloped. Prior to construction, the natural open space limits will be marked by the construction supervisor and a qualified biologist. These limits will be identified on the construction drawings. JBWD shall submit a letter to the appropriate agencies verifying that construction limits have been flagged and clearly delineated in the field. No earth-moving equipment will be allowed outside demarcated construction zones.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
3.3-4: The proposed project could conflict with local policies and ordinances protecting biological resources, such as Joshua trees.	**3.3-4a:** Prior to the commencement of ground disturbance activities for any component of the proposed project, a qualified biologist/arborist shall provide an inventory of the number and size of Joshua trees to be removed.	• Conduct tree inventory. • Retain records in file.	JBWD	X		
	3.3-4b: JBWD shall apply for and receive a permit from the County of San Bernardino prior to removal of native vegetation protected under San Bernardino County Development Code Section 88.01 and shall transplant or stockpile Joshua trees as required under the conditions of the permit.	• Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.	JBWD	X		
3.3-5: Construction of the proposed project could have a substantial adverse effect on drainages that are considered waters of the state.	**3.3-5a:** Prior to construction, JBWD shall retain a qualified biologist to delineate waters of the state within the construction zones. Waters of the state affected by the project, including recharge basin and pipeline construction zones, would be clearly identified and noted in permit applications to the RWQCB (for WDRs) and CDFG (for a SAA).	• Conduct wetland delineation. • Retain records in file.	JBWD	X		
	3.3-5b: JBWD shall prepare a Waters of the State Mitigation Plan to include with RWQCB and CDFG permit applications. Conditions of the Mitigation Plan shall include at a minimum measures to divert flows during construction, measures to minimize erosion, measures to minimize discharge of contaminants through proper storage of chemicals and vehicle maintenance, and post-construction site restoration performance standards.	• Prepare mitigation plan to include in permit applications.	JBWD	X	X	
	3.3-5c: For Recharge Basin Alternative 3, final designs shall avoid infringing onto Joshua Creek, located approximately 25 feet north of the proposed project area. JBWD shall demarcate the construction zone and monitor construction sufficiently to ensure that no vegetation is removed within the creek or vehicles encroach onto the creek.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record	JBWD	X	X	
Cultural Resources						
3.4-1: Project construction could adversely affect known or unknown cultural resources, including unique archaeological resources and historic resources.	**3.4-1a: Avoidance of cultural resources.** JBWD shall avoid all cultural resources where feasible. Prior to construction, a qualified archaeologist (defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology) shall mark exclusion zones around known archaeological sites that exist near the construction areas but that can be avoided to ensure they are not impacted by construction.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
	3.4-1b: Evaluation of cultural resources if avoidance is not feasible. If avoidance is not feasible, prior to any ground disturbing activity, known cultural resources that can not be avoided shall be evaluated further by a qualified archaeologist to determine the resources' eligibility to the California Register or local historic register and potential significance under CEQA. This can be accomplished by implementing extended Phase I archaeological testing, which would involve relocating the resources, thoroughly documenting them, and conducting limited subsurface testing to obtain more data. Any archaeological testing should be carried out by an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology. If, after extended Phase I archaeological testing, a resource is determined to be eligible to the California Register or local historic register, a site treatment plan or additional protection measures will be developed. If the site evaluation results in an assessment that a resource is not eligible, no further work or protective measures will be necessary.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X		

TABLE 1 (CONT.)
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
	3.4-1c: Monitoring by a qualified archaeologist and Native American representative during ground disturbing activities. JBWD shall retain a qualified archaeological monitor for ground-disturbing activities, including brush clearance and grubbing as necessary to identify the presence of potential resources as determined by the qualified archaeologist. In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Due to the sensitivity of the project area for Native American resources, at least one Native American monitor shall also monitor ground-disturbing activities in the project area necessary to identify presence of potential resources as determined by a qualified Native American monitor. Selection of monitors shall be made by agreement of the Native American groups identified by the Native American Heritage Commission as having affiliation with the project area.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
	3.4-1d: Cease Work if Prehistoric, Historic or Paleontological Subsurface Cultural Resources are Discovered During Ground-Disturbing Activities. If cultural resources are encountered, excavation activity in the vicinity of the find shall cease until it can be evaluated by the archaeological monitor. If the archaeological monitor determines that the resources may be significant, the archaeological monitor will notify the lead agency and will develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American monitors or other appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. In considering any suggested mitigation proposed by the archaeologist in order to mitigate impacts to cultural resources, the project proponent will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project site while mitigation for cultural resources is being carried out	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
3.4-2: Implementation of the proposed project could adversely affect paleontological resources.	**3.4-2: Accidental discovery of paleontological resources.** If paleontological resources are encountered during the course of construction and monitoring, JBWD shall halt or divert work and notify a qualified paleontologist who shall document the discovery as needed, evaluate the potential resource, assess the significance of the find, and develop an appropriate treatment plan in consultation with JBWD.	• Include mitigation measures in the construction contract specifications.	JBWD		X	
3.4-3: Implementation of the proposed project could result in the disturbance of human remains.	**3.4-3: Halt Work if Human Skeletal Remains are Identified During Construction.** If human skeletal remains are uncovered during project construction, the project proponent (depending upon the project component) will immediately halt work, contact the San Bernardino County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County coroner determines that the remains are Native American, the project proponent will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendents regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.	• Include mitigation measures in the construction contract specifications.	JBWD		X	
	Implement Mitigation Measures 3.4-1a through 3.4-1d.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD		X	

TABLE 1 (CONT.)
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
Geology, Soils and Mineral Resources						
3.5-1: The proposed project could expose people or structures to substantial adverse effects, including the risk of loss, injury, or death from surface rupture, strong ground shaking, liquefaction, or landslides caused by seismic activity.	**3.5-1a:** Prior to the approval of construction plans for the project, JBWD shall complete a design-level geotechnical investigation, including a percolation test. The geotechnical evaluation shall identify soil properties and percolation rates needed for the development of site-specific design criteria. Recommendations made as a result of these investigations to protect new structures from seismic hazards shall become incorporated into the proposed project.	• Include mitigation measures in the construction contract specifications.	JBWD	X		
	3.5-1b: Recharge Basin Alternative 1 would be designed to avoid construction over the known fault traces of the Pinto Mountains Fault as described by the USGS.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X		
3.5-2: The proposed project could be located on soil that is unstable or would become unstable as a result of the proposed project, or could result in substantial soil erosion or the loss of topsoil.	**3.5-2a:** Final design for recharge basins shall ensure that water elevation including freeboard requirements does not exceed original grade elevations.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X		
	3.5-2b: JBWD shall install soil erosion control measures that could include but would not be limited to sediment barriers and landscape vegetation to act as a wind block as well as a soil stabilizer. Storm flow diversion structures shall be similarly designed with velocity dissipaters, detention capacity, and armoring needed to avoid scouring.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
Hazards & Hazardous Materials						
3.6-1: Accidental upset of hazardous materials used during project construction may increase the risk of exposure to the environment, workers, and the public.	**3.6-1:** Construction contractor(s) shall be required to implement best management practices (BMPs) for handling hazardous materials during the project. The use of the construction BMPs shall minimize negative effects on groundwater and soils, and will include, without limitation, the following: • Follow manufacturers' recommendations and regulatory requirements for use, storage, and disposal of chemical products and hazardous materials used in construction; • Avoid overtopping construction equipment fuel tanks; • During routing maintenance of construction equipment, properly contain and remove grease and oils; and • Properly dispose of discarded containers of fuels and other chemicals.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
3.6-2: The proposed project will handle hazardous materials within one-quarter mile from the Friendly Hills Elementary School.	**3.6-2:** Implement Mitigation Measure 3.6-1	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	
3.6-3: Construction activities in the vicinity of SR 62 and Sunset Avenue would have the potential to expose people or equipment to risk of loss, injury, or death involving wildland fires.	**3.6-3a:** JBWD shall coordinate with local fire agencies to develop a fire safety plan, which describes various potential scenarios and action plans in the event of a fire.	• Submit safety plan to fire department.	JBWD	X		
	3.6-3b: During construction, all staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. Construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for the administrative record.	JBWD	X	X	

TABLE 1 (CONT.)
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
Hydrology, Groundwater Resources and Water Quality						
3.7-1: Construction and operation of the proposed project could violate water quality standards or waste discharge requirements.	**3.7-1a:** JBWD shall include in contractor specifications that the contractor is responsible for developing and implementing BMPs to minimize impacts to water quality. The BMPs shall be maintained at the site for the entire duration of construction. The objectives of the BMPs are to identify pollutant sources that may affect the quality of storm water discharges and to implement measures to reduce pollutants in storm water discharges. The BMPs for the proposed project shall include, but not be limited to, the implementation of the following elements: • Identification of all pollutant sources, including sources of sediment that may affect the quality of storm water; • Identification of non-storm water discharges; • Estimate of the construction area; • Identification of erosion and sedimentation control measures, waste management practices, and spill prevention and control measures	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for administrative record.	JBWD	X	X	
	3.7-1b: Septic tank mapping shall be conducted to help locate where current and future nitrate levels in groundwater could increase.	• Conduct mapping. • Retain records in file.	JBWD	X		
	3.7-1c: Groundwater monitoring wells shall be installed to monitor the recharged water and groundwater. The exact number and location of monitoring wells will depend on the final recharge site configuration and the location of the mapped septic systems.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record of construction oversight for administrative record.	JBWD	X	X	STET
	3.7-1d: Water quality sampling of monitoring wells shall be conducted to provide early detection of potential nitrate problems, as well as other potential contaminates.	• Conduct groundwater monitoring. • Maintain a record in file.	JBWD			X
	3.7-1e: JBWD shall cease recharge operations if groundwater levels in neighboring properties are less than 50 feet below ground surface.	• Monitor compliance with mitigation measures and maintain a record in file.	JBWD			X
3.7-2: The proposed project would be constructed within the 100-year floodplain and could result in modifications to the floodplain.	**3.7-2a:** JBWD shall retain a qualified hydrologist to evaluate the impact to the floodplain and to design diversion structures that would minimize impacts to the floodplain both upstream and downstream. The diversion structures will include velocity dissipaters to prevent scouring resulting from flow channelization across the site and discharge downstream. The diversion structures may need to be armored to prevent scouring of the recharge basin perimeter berms.	• Include mitigation measures in the construction contract specifications.	JBWD	X		
	3.7-2b: Following installation of the recharge basin, JBWD shall prepare a Letter of Map Revision for submittal to the Federal Emergency Management Agency if necessary.	• Determine if Letter of Map Revision is necessary. • If necessary, conduct Letter of Map Revision.	JBWD			X
	3.7-2c: During construction, flow diversion structures shall be employed to prevent inundation of construction sites (recharge basin as well as pipeline corridor) from flash flooding. The final design of these temporary flow diversion structures will be approved by a qualified hydrologist to ensure the safety of construction workers and surrounding land uses within the floodplain.	• Include mitigation measures in the construction contract specifications.	JBWD	X	X	X

TABLE 1 (CONT.)
MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Mitigation Measures	Implementation, Monitoring, and Reporting Tasks	Responsibility	Monitoring Schedule		
				Before Construction	During Construction	After Construction
	3.7-2d: Prior to construction, JBWD will obtain a permit from the San Bernardino County Flood Control District for installing features within the Flood Control District property	• Include mitigation measures in the construction contract specifications. • Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.	JBWD	X		
Traffic and Transportation						
Impact 3.11-1: Construction activity would temporarily disrupt traffic near the project area.	**3.11-1a:** JBWD shall obtain the necessary road encroachment permits prior to construction and shall comply with the applicable conditions of approval. Road encroachment permits may be necessary on SR 62 and Yucca Mesa Road.	• Include mitigation measures in the construction contract specifications. • Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.	JBWD	X		
	3.11-1b: JBWD shall require the contractor(s) to prepare a Traffic Control Plan in accordance with professional engineering standards prior to construction. The Traffic Control Plan could include the following requirements: • Access for local land uses including residential driveways, commercial properties, and agricultural lands shall be maintained during construction activities • Emergency services access to local land uses shall be maintained at all times for the duration of construction activities. Local emergency service providers will be informed of road closures and detours	• Include mitigation measures in the construction contract specifications. • Ensure appropriate permits are obtained and that permit conditions include these mitigation measures.	JBWD	X		
	3.11-1c: JBWD shall monitor road-wear resulting from construction vehicle trips on side roads and will repair roadways to their original condition consistent with County road standards following construction.	• Include mitigation measures in the construction contract specifications. • Monitor compliance with mitigation measures and maintain a record in file.	JBWD	X	X	X