

MEMORANDUM

October 14, 2019

To: Deb Farrar/City of Colton**From:** Kent Norton/Psomas**Subject:** Response to Comments on the Community Soccer Park CEQA Initial Study/Mitigated Negative Declaration

On August 28, 2019 the City of Colton (City) released an Initial Study/Mitigated Negative Declaration (IS/MND) for its proposed Community Soccer Park project. The IS/MND complies with the latest requirements and guidelines of the California Environmental Quality Act (CEQA). During the 30-day public review period that closed on September 27, 2019, the City received the following correspondence or items relative to the IS/MND:

- Letter from the California Department of Fish and Wildlife dated 9-27-19
- Letter from the South Coast Air Quality Management District dated 9-17-19
- Letter from the San Bernardino County Department of Public Works dated 9-24-19
- Letter from the City of Riverside dated 9-27-19
- Email and Suggested Mitigation from the San Manuel Band of Indians dated 9-5-19
- Letter from the Augustine Band of Cahuilla Indians dated 8-28-19
- Phase II Environmental Site Assessment¹ of Griffin Parcel dated 9-9-19

The comments are summarized and detailed responses to the comments and supporting materials are provided below.

California Department of Fish and Wildlife (CDFW)

(Page 1, paragraphs 3 and 4) The CDFW explains its roles as both a responsible and trustee agency under CEQA.

Response: The City understands and appreciates the CDFW's dual roles in the CEQA process.

(Page 2 paragraphs 2 and 3) The CDFW briefly explains its responsibilities and jurisdiction as well as the scope of the state's endangered species act.

Response: The City understands the intent and requirements of the California Endangered Species Act (CESA). However, the City of Colton disagrees with the state of document inadequacy and questioning the ability to monitor/implement mitigation. The various mitigation measures outlined in the IS/MND will adequately protect biological resources on and adjacent to the site, and the measures as well as the Mitigation Monitoring and Reporting Program for the Project mitigation measures outline specifically how the measures will be implemented to achieve their stated intent. The City will work cooperatively with the CDFW to assure biological resources potentially affected by the Project are adequately protected and the requirements of CESA are met.

¹ Parcel is part of the soccer park property. This study was ongoing when the IS/MND was released and the completed report is being included in the final MND documentation

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(Page 3, paragraphs 1 and 2) The CDFW explains their concern regarding the San Bernardino kangaroo rat (SBKR).

Response: The IS/MND did conclude impacts to SBKR and other small mammals were potentially significant and recommended Mitigation Measure BIO-7 to address this potentially significant impact. The CDFW requires presence/absence information on listed or protected species to be accurate and within one year of the commencement of Project action. If the City does not receive sufficient funding for the proposed park project, it is possible there would be no grading (i.e., the Project may not be built) or grading may be delayed depending on the amount and/or timing of park funding. In addition, portions of the Project site are within the active floodway and adjacent terrace areas of the Santa Ana River, and the conditions of these areas that may support SBKR can change over time, even over one year depending on the amount and intensity of storm events affecting the river.

If Project grading were delayed for some reason, or SBKR or other small mammal habitat conditions along the river were to change, the results of SBKR trapping surveys conducted during 2018 or 2019 would not be accepted as accurate by the CDFW. Due to this potential uncertainty, Mitigation Measure BIO-7 specifically requires that before Project grading commences, trapping surveys for SBKR within the areas planned for disturbance are conducted to provide the most accurate and timely information on SBKR and other sensitive small mammals relative to the Project site.

CEQA allows mitigation measures to be flexible and to be guided by more accurate information collected in the future. However, CEQA requires that such measures include performance standards to outline the specific actions the lead agency (i.e., the City) will take based on that future information. In this case, Mitigation Measure BIO-7 does provide the necessary standards for City action to prevent significant impacts on SBKR and other listed/sensitive small mammals at that time.

If the pre-grading survey determines SBKR is actually present in areas planned for disturbance, the City would need to obtain an Incidental Take Permit from CDFW for the proposed project. At that time CDFW would provide the City with specific guidance to avoid take of SBKR before and during Project implementation.

In addition, the CDFW would have the opportunity to provide specific factual comments to the City regarding Project implementation and protection of biological resources, including SBKR, when the City applies for discretionary permits from CDFW for impacts to jurisdictional drainages onsite Per Mitigation Measure BIO-14.

For these reasons, the Project would not have significant impacts on SBKR and other listed or sensitive small mammal species of concern to the CDFW with implementation of the recommended mitigation. After review, no additional analysis or mitigation is needed or recommended at this time.

(Page 3, paragraphs 3-5) The CDFW explains their concern regarding potential impacts to the Santa Ana River woollystar (SAWS).

Response: The IS/MND did conclude potential impacts to SAWS would be potentially significant and recommended Mitigation Measures BIO-1 through BIO-4 to address this potentially significant impact. The CDFW requires presence/absence information on listed or protected species to be accurate and within one year of the commencement of Project action. If the City does not receive

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sufficient funding for the proposed park project, it is possible there would be no grading (i.e., the Project may not be built) or grading may be delayed depending on the amount and/or timing of park funding. In addition, portions of the Project site are within the active floodway and adjacent terrace areas of the Santa Ana River, and the conditions of these areas that may support SAWS can change over time, even over one year depending on the amount and intensity of storm events affecting the river.

If Project grading were delayed for some reason, or SAWS habitat conditions along the river were to change, the results of focused surveys for SAWS conducted during 2018 or 2019 would not be accepted as accurate by the CDFW. Due to this potential uncertainty, Mitigation Measures BIO-1 through BIO-4 specifically require that before Project grading commences, surveys for SAWS within the areas planned for disturbance are conducted to provide the most accurate and timely information on SAWS relative to the Project site.

CEQA allows mitigation measures to be flexible and to be guided by more accurate information collected in the future. However, CEQA requires that such measures include performance standards to outline the specific actions the lead agency (i.e., the City) will take based on that future information. In this case, Mitigation Measures BIO-1 through BIO-4 do provide the necessary standards for City action to prevent significant impacts on SAWS and other listed/sensitive plants at that time.

If the pre-grading survey determines SAWS is actually present in areas planned for disturbance, the City would need to obtain an Incidental Take Permit from CDFW in this regard. At that time CDFW would provide the City with specific guidance to avoid take of SAWS before and during Project implementation.

In addition, the CDFW would have the opportunity to provide specific factual comments to the City regarding Project design, implementation and protection of biological resources, including SAWS, when the City applies for discretionary permits from CDFW for impacts to jurisdictional drainages onsite per Mitigation Measure BIO-14.

For these reasons, the Project would not have significant impacts on SAWS and other listed or sensitive plants species of concern to the CDFW with implementation of the recommended mitigation. After review, no additional analysis or mitigation is needed or recommended at this time.

(Page 4, paragraphs 1-3) The CDFW explains its concerns regarding the use of pesticides on the Project site and the potential impacts they may have on onsite and downstream biological resources.

Response: The City of Colton practices sustainable development practices. Chapter 13.30 C(5) of Colton's Municipal Code cites: "Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action" (City Council Ordinance 12-15).

Two of the Project soccer fields may have natural turf and the park would also have landscaped planters that require maintenance. It should be noted that Best Management Practice (BMP) N3 under Non-Structural Source Controls (Landscape Maintenance) in Table 13, Best Management Practices

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(from the Project Water Quality Management Plan or WQMP) outlines the following actions which must be implemented by the City as part of ongoing operation of the Project:

“A licensed landscape maintenance crew will maintain area landscaping. This maintenance crew will utilize the following efficient landscape and irrigation practices: Weekly inspections will be scheduled to ensure proper functioning of the irrigation system. Poorly functioning heads, valves, etc. will be repaired or replaced. Proper functioning of the irrigation system will be confirmed prior to application of pesticides, herbicides and fertilizers to avoid nuisance runoff and subsequent release of chemicals into the drainage system. Fertilizers will be worked into the soil to a depth of 4 to 6 inches to reduce the likelihood of their inadvertent runoff into downstream surface waters. All chemical applications will be carried out in strict accordance with the manufacturer’s label and using the minimum effective quantity. Pesticides are to be used only after recommendation from a state-licensed pest control advisor. Pesticides are only to be applied by or under the direct supervision of a state licensed or certified pesticide applicator or by workers with equivalent training. Keep irrigation system at short repeat cycles to minimize runoff and erosion. Replenish wood mulches to reduce evaporation and frequency of watering.”

Implementation of this and all the other long-term BMPs in the WQMP is required by Mitigation Measure HWQ-3 as outlined in the Mitigation Monitoring and Reporting Program (MMRP) for the IS/MND. In addition, Mitigation Measure BIO-11 requires implementation of BMPs to help reduce offsite runoff that could contain chemicals that could affect adjacent habitat areas. The WQMP BMPs and MMs outlined above would help reduce the potential of significant impacts from pesticides and other landscape maintenance chemicals on biological resources to less than significant levels, as outlined in the IS/MND.

(Page 4, paragraph 4) The CDFW outlines its concerns regarding potential indirect impacts of night lighting on the resources of the adjacent Santa Ana River and refers specifically to Mitigation Measure BIO-8.

Response: The CDFW cited the correct reference to BIO-8 but did not include the information in the IS/MND that immediately followed MM BIO-8 on page 4-23 of the IS/MND as shown below:

It should also be noted Mitigation Measure AES-2 in Aesthetics states the following:

The primary focus of this measure is to minimize light intrusion into residences in the neighborhoods to the west and north of the Project site. However, a secondary goal is to minimize indirect lighting impacts on the Santa Ana River to the east to protect its important biological resources. The final photometric plot of the improved proposed Project site will also demonstrate that lighting levels along the eastern park property boundary adjacent to the Santa Ana River will also not exceed 0.5 foot-candle. [emphasis added]

A lighting level of 0.5 foot-candles represents relatively dark ambient conditions that are typical of the Project area (i.e. without the Project) and other undeveloped land within the surrounding region and along the Santa Ana River. According to Mike Higgins with Musco Lighting, the 0.5 foot-candle lighting level at the property line is also typical of lighted athletic fields installed in other locations that are adjacent wildlife or other open space preservation areas such as the Silverlakes Soccer Complex in Norco adjacent to the Santa Ana River, the Ferraro Fields in the City of Los Angeles near

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the Los Angeles River, University of California Irvine football and baseball fields adjacent to the San Joaquin Marsh in Irvine, and the Los Alamos Hills Sports Park in Murrieta.

For these reasons, Project lighting would not have significant indirect impacts on biological resources of the adjacent Santa Ana River and no additional mitigation is required or recommended.

(Page 5, paragraph 2) The CDFW outlines its concerns regarding water quality impacts of runoff from onsite retention basins as well as nuisance flows from the site to the Santa Ana River.

Response: Section 4.10, Hydrology and Water Quality, of the IS/MND provides details about expected runoff from the proposed onsite detention basins and potential water quality impacts to the Santa Ana River and downstream properties (pages 4-54 to 4-60). Mitigation Measure HWQ-2 requires a Storm Water Pollution Prevention Plan to control erosion and other short-term water quality impacts during construction. In addition, Mitigation Measure HWQ-3 requires a Water Quality Management Plan (WQMP - see IS/MND Appendix F) to control long-term runoff from the Project site. The WQMP contains dozens of Best Management Practices (BMPs) to minimize the potential for offsite runoff including to the adjacent river.

Implementation of the long-term BMPs in the WQMP is required by Mitigation Measure HWQ-3 as outlined in the Mitigation Monitoring and Reporting Program (MMRP) for the IS/MND. In addition, Mitigation Measure BIO-11 requires implementation of BMPs to help reduce offsite runoff that could contain chemicals that could affect adjacent habitat areas. The Project hydrology information and the WQMP (see IS/MND Appendix F) demonstrate the Project would not result in offsite flows in excess of those currently experienced under pre-Project conditions, and there would be no uncontrolled runoff from the site based on the proposed site plan and drainage improvements.

Therefore, the WQMP BMPs and MMs outlined above would help reduce the potential of significant impacts of runoff from the Project site on biological resources of the Santa Ana River to less than significant levels, as outlined in the IS/MND.

(Page 5, paragraph 3) CDFW expressed concern about trespass and degradation of adjacent SAWS habitat and recommended an 8-foot block wall between the river and the Project.

Response: Much of the site is currently within the 100-year flood plain of the river and constructing a solid wall between the Project and the river could have unanticipated adverse impacts by redirecting and/or concentrating flood flows during a major storm event, which could result in damage or destruction of the wall and portions of the park Project. Therefore, the City would consult and work directly with CDFW on the design and materials of the perimeter fence between the Project site and the Santa Ana River to minimize flooding impacts while protecting important biological resources (see also Mitigation Measure BIO-2). With installation, maintenance, and monitoring of the proposed fence and signage, human entry or activity in the SAWS habitat can be eliminated or precluded to the point that potential impacts on SAWS would be less than significant (see additional discussion in the following response below) as outlined in the IS/MND.

(Page 6, 1st full paragraph) CDFW is concerned about the long-term management of the 3-acre Santa Ana Woolly Star (SAWS) preserve area.

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Response: The CDFW comment referred to Mitigation Measure BIO-2 regarding fencing but did not mention Mitigation Measure BIO-1 which establishes the parameters of a SAWS Conservation Plan in conjunction with Project development and operation, as outlined below:

Santa Ana River Woollystar Conservation Plan. To the extent possible, the Project shall be redesigned to avoid Santa Ana River woollystar populations. If Project design changes and take of individuals cannot be avoided, the City shall obtain take authorization from the listing agencies before impacting the species - Federal Endangered Species Act (FESA) Consultation with the U.S. Fish and Wildlife Service (USFWS) and California Endangered Species Act (CESA) Section 2080 from the California Department of Fish and Wildlife (CDFW). Consultation with the listing agencies shall determine the appropriate conservation actions necessary to protect the species. These actions may include collecting seed from individuals in the impact area and planting them within a conservation site with the appropriate micro-habitat for this species and/or paying a fee to an established mitigation bank (e.g. Lytle Creek Conservation Bank) and/or a qualified Plant Science Program (e.g., Rancho Santa Ana Botanic Garden or University of California, Riverside) to conduct germination or other research studies on the species.

The City shall retain a qualified biologist to prepare a detailed Special Status Plant Species Conservation Plan for approval by the USFWS and the CDFW. The plan shall include the following topics: (1) responsibilities and qualifications of the personnel to implement and supervise the plan; (2) conservation site selection criteria; (3) site preparation and planting implementation; (4) implementation schedule; (5) maintenance plan/guidelines; (6) monitoring plan; (7) long-term preservation. The City shall implement the Plan as approved by the resource agencies during Project construction and operation as appropriate. This measure shall be implemented to the satisfaction of the City Development Services Director.

This measure, along with the signage and fencing outlined in BIO-2, the Slender-horned Spineflower Conservation Plan outlined in BIO-3, and the sensitive plant surveys outlined in BIO-4 will help assure potential impacts to SAWS and other sensitive plant species associated with this portion of the Santa Ana River are adequately protected during Project construction and implementation.

If the pre-grading survey determines SAWS is actually present in areas planned for disturbance, the City would need to obtain an Incidental Take Permit from CDFW in this regard. At that time CDFW would provide the City with specific guidance to avoid take of SAWS before and during Project implementation.

In addition, the CDFW would have the opportunity to provide additional comment and guidance to the City regarding Project implementation and protection of biological resources, including SAWS, when the City applies for discretionary permits from CDFW for impacts to jurisdictional drainages onsite per Mitigation Measure BIO-14.

For these reasons, the Project would not have significant impacts on SAWS with implementation of the recommended mitigation which would require ongoing close coordination with CDFW to design and implement. After review, no additional analysis or mitigation is needed or recommended at this time.

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(Page 6, paragraphs 3 and 4) The CDFW provided information on available environmental data and fees relative to CEQA processing of the IS/MND.

Response: As standard practice, the City’s consultant be reporting all special-status species observed during development of the CEQA documents to the California Natural Diversity Database (CNDDDB). The City also understands it will pay the required filing fee for the Notice of Determination (NOD) which includes a Fish and Game review fee component.

(Page 6, paragraph 5) CDFW requests the City address its concerns by recirculating the IS/MND.

Response: The City has addressed each of the CDFW’s concerns and comments and will continue to work closely with CDFW on the Project design aspects that affect the Santa Ana River and its biological resources. Based on the additional information and clarifications provided in this memorandum, the City believes it has adequately addressed the potential impacts of the Project based on the information available at this time, and looks forward to continued coordination with the CDFW on this Project and subsequent studies and permitting.

South Coast Air Quality Management District (SCAQMD)

The SCAQMD summarized the project characteristics and general analysis provided in the IS/MND. The SCAQMD then made the following specific comments about the IS/MND:

(Page 1, paragraph 4) Regarding construction emissions, the SCAQMD stated...“Since activities identified in Mitigation Measures HAZ-2 through HAZ-4 are reasonably foreseeable and must be completed prior to grading for the soccer fields, their emissions should be included in the Air Quality Analysis of the Final MND... Alternatively, the Lead Agency should include a new air quality mitigation measure in the Air Quality Section of the Final MND to commit to evaluating the subsequent soil investigation and removal activities through a CEQA process prior to commencing the Proposed Project’s construction activities.”

Response: Regarding HAZ-2 through HAZ-4, the SCAQMD states that activities associated with these MMs are “reasonably foreseeable and must be completed prior to grading for the soccer fields”. However, this is not the case as outlined below.

HAZ-2 states...In the event any subsurface feature, material, or substance is found during grading that cannot be clearly identified as nonhazardous and acceptable for disposal as construction type debris, work shall be halted in that area until a qualified environmental professional is retained to identify the material and determine if it is hazardous.” This activity would **only** occur during grading and could **not** occur prior to grading (i.e., so any information in this regard could not be known now). Because the amount of remediation for HAZ-2 is currently unknown, it would be speculative to try to quantify an unknown amount of work. In addition, any remediation activities would likely involve less construction equipment than the overall grading of the soccer fields. Because remediation activities are expected to be less than that of the Project grading, and the Project grading was found to result in less than significant construction related emissions, remediation activities are likewise expected to be less than the significance thresholds. The SCAQMD also commented that equipment emissions associated with vapor sampling should also be accounted for. The IS/MND estimated emissions from all grading-related activities would be approximately 73 percent of the most limiting threshold (NOx).

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In addition, HAZ-2 states... "If hazardous waste materials are found buried at the Griffin property, the City shall modify the Soccer Park Master Plan as appropriate to minimize disturbance of any suspected waste materials while protecting local water/groundwater resources and local residents living near the Project site to the degree feasible. The County and CalRecycle shall review and approve of any remediation activities needed to assure the landfill and any contamination on the adjacent Griffin property is safely preserved in place or remediated to the degree necessary to protect water/groundwater resources and local residents." As outlined below, a subsequent Phase II Environmental Site Assessment has now determined the Griffin parcel or property does not contain substantial waste or hazardous materials either associated with or independent of the Guyaux landfill. In addition, the Project is designed to minimize or preclude any direct impacts or excavation of the Guyaux landfill. At this point it would be overly speculative to attempt to estimate specific emissions that might result from finding buried materials that have not yet been identified by the various hazmat and other environmental studies on the Project site.

Based on the information available, it is unlikely that a significant amount of grading and/or soil remediation would be required for implementation of HAZ-2 that was not accounted for in the air pollutant emissions estimate for overall project grading.

HAZ-3 requires the following... "Prior to the start of grading, the City shall retain qualified staff to conduct vapor sampling for potential landfill gases (methane, etc.) and volatile organic compounds (VOCs) before, during and as needed after the installation of the parking lot, and before the park is open to any public use." It should be noted this sampling activity would require minimal grading (i.e., the installation of shallow well-type pipes for air sampling). Therefore, it is unlikely that a significant amount of grading and/or soil remediation will be required for implementation of HAZ-3 that was not already accounted for in the air pollutant emissions estimate for overall project grading.

Finally, HAZ-4 requires installation of an irrigation system for cooling the artificial soccer fields during times of high air temperatures. This system would be relatively shallow (i.e., just below or around the installed field) and so HAZ-4 would not require excavation or grading that was not already accounted for in the air pollutant emissions estimate for overall project grading.

For the reasons outlined above, implementation of HAZ-2 through HAZ-4 is not anticipated to result in substantial air pollutant emissions that were not already accounted for in the air quality analysis of the IS/MND, and no additional calculations or analysis is necessary.

(Page 2, paragraph 2) The SCAQMD stated... "Since the soil investigation is reasonably foreseeable under Mitigation Measure HAZ-4, the Lead Agency should include a discussion on South Coast AQMD Rules 1166 and 1466 in the Air Quality Section of the Final MND. Additionally, the Final MND should discuss how the soil investigation would comply with South Coast AQMD Rule 402 – Nuisance, in the event that the volatile organic compounds (VOCs) and/or odors are emitted during the investigation.

Response: See discussion above regarding implementation of HAZ-4 which would not require grading in excess of that already identified for the Project and evaluated in the IS/MND (i.e., in terms of air pollutant emissions). Similarly, the discussion above concludes that grading associated with implementation of HAZ-2 and HAZ-3 would not exceed what was already accounted for in the air quality analysis of the IS/MND, so no additional calculations or analysis is necessary in this regard. In addition, the Project would be required to comply with SCAQMD rules (such as Rule 1166 –

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Volatile Organic Compound Emissions from Decontamination of Soil, Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants, Rule 402 – Nuisance, Rule 403 – Fugitive Dust as part of established regulatory compliance so no separate mitigation measure is needed in this regard.

(Page 2, paragraph 3) Also regarding construction emissions, the SCAQMD stated...“if the soil investigation involves equipment or operations which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance to determine whether or not any permits or plans are required to be filed and approved by South Coast AQMD prior to start of the investigation, and to identify potentially applicable South Coast AQMD Rules...”

Response: Contractors using equipment for Project construction will be required to either obtain the necessary permits or provide the information necessary for the City to obtain the appropriate permits from the SCAQMD.

(Page 3, paragraph 1) “If a permit from South Coast AQMD is required, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final MND.”

Response: On page 1-5, the IS/MND does identify the SCAQMD as a responsible agency for the Project.

San Bernardino County Department of Public Works (SBCDPW)

(Page 1, Item 1) The SBCDPW stated the Project and any storm drain modifications it requires are subject to Comprehensive Storm Drain Plan No. 3 dated May 1973 and the City should review and approve any changes to that plan prior to construction of the Project.

Response: Per the City’s standard development review process, storm drain modifications will be reviewed and approved by the City Engineer pursuant to Comprehensive Storm Drain Plan No. 3 prior to the start of Project construction.

(Page 1, Items 2-4) The SBCDPW confirmed the Project site is covered by both the 100- and 500-year flood zones of the adjacent Santa Ana River, and that portions of the site may be subject to flooding until adequate channels and retention facilities are installed. The SBCDPW also recommended the City comply with the most current FEMA regulations and guidelines for construction within established floodplains.

Response: The IS/MND addresses onsite and adjacent flood zones and potential impacts related to flooding. Mitigation Measure HYD-1 is proposed to assure potential flood-related impacts will remain less than significant as the Project is constructed and operated, as shown below and as reflected in the MMRP:

HWQ-4: CLOMR Approval. Prior to the start of grading for the Project, the City Manager shall submit a formal request for a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA). The CLOMR will address changes to the identified flood zones and base flood elevations along the portion of the Santa Ana River and immediate downstream areas that will occur as a result of grading and development of the proposed Project.

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City of Riverside (COR)

(Page 1, paragraph 5 – Item 1) COR’s Planning Division indicated information on its Northside Neighborhood Specific Plan (NSP) was available on their website.

Response: Note that Figure 8, Related Projects, of the Project Traffic Study (see IS/MND Appendix H) demonstrates the Northside Specific Plan was included as part of the Project’s cumulative traffic analysis.

(Page 2, paragraphs 2 and 3 – Item 1) COR requested clarification on the design of the portable concession and restroom buildings in the southern portion of the site (i.e., will they have sewer service or septic tanks).

Response: The northern restroom building would be connected to the sewer line in Congress Street. The southern restroom building would have an effluent holding tank that would be pumped out on a regular basis. This tank would be able to be sealed in the event the restroom building had to be relocated during periods of expected flooding. There would be no sewer connections or septic leach fields associated with either of the southern portable buildings.

(Page 2, paragraph 4 – Item 2) COR expressed concern about its 4 operating wells adjacent to the Project site as well as an irrigation canal, storage yard, biological habitat area, and trash disposal.

Response: The City of Colton will work with COR to provide adequate protections, signage, etc. for the COR wells as part of the master plan for the park site. In that regard, the City will implement Mitigation Measure UTL-1 as outlined below, which would include the COR well sites:

Utility Coordination. Prior to grading the Project site, the City will coordinate with all potentially affected utility service providers regarding onsite and adjacent utility lines that may be affected by Project construction and operation. Final construction plans shall be signed off by the serving agencies or entities prior to the start of grading. The City shall also prevent any impacts to the Riverside Canal Aqueduct adjacent to the site. This measure shall be implemented to the satisfaction of the City Engineer.

In addition, COR expressed concern about trash disposal. Mitigation Measure BIO-13 requires the following:

Trash Maintenance. Covered trash receptacles shall be provided near the parking areas and adjacent to the concession and restroom buildings. The trash receptacles shall be designed and installed to prevent wildlife and wind events from blowing trash from the receptacles. All trash receptacles shall be emptied regularly by the City or its designee. If trash accumulation exceeds the capacity of the onsite receptacles, the City shall immediately address the problem by adding a sufficient number of receptacles and/or sufficiently increase trash removal visits.

With implementation of this measure, there would be no significant impacts of the Project related to trash either onsite or for adjacent uses or facilities.

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For information on the Project's interface with sensitive/endangered biological resources, and signage for open space areas, see the responses to comments by the California Department of Fish and Wildlife above.

San Manuel Band of Mission Indians (SMBMI)

The SMBMI Email recommended the following changes to the cultural resources (CUL) and tribal cultural resources (TCR) mitigation measures in the IS/MND.

CUL MMs (cultural resources)

1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
2. If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

TCR MMs (tribal cultural resources)

1. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.
2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

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Response: After consideration, the City will substitute the text recommended by the SMBMI for CUL-1 and TCR-1. The only difference is that “City” was substituted for the terms “applicant” and “landowner” as appropriate. These changes are reflected in the Mitigation Monitoring and Reporting Program (MMRP) document included with the Project approvals. The City concludes that these changes will provide equal or better protection of environmental (cultural and tribal) resources so the recommended substitutions comply with the requirements of CEQA.

CUL-1: Archaeological Monitoring. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

TCR-1: Tribal Monitoring. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the City for dissemination to SMBMI. The City shall, in good faith, consult with SMBMI throughout the life of the project.

Augustine Band of Cahuilla Indians (ABCI)

Victoria Martin, the ABCI Tribal Secretary, stated they were “unaware of any specific cultural resources that may be affected by the proposed project, however in the event you should discover any cultural resources during the development of this project, please contact our office immediately for further evaluation.” Mitigation Measures CUL-1 and TCR-1 in the IS/MND will be modified to address the comments made by the San Manuel Band of Indians outlined above and the Augustine Band of Cahuilla Indians. In this regard, CUL-1 and TCR-1 will be modified to include notification to the ABCI. These modifications will adequately address the concern expressed by the ABCI.

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Phase II Environmental Site Assessment (Completed Study)

The following information is not in response to a comment on the IS/MND. Rather, it describes a Project technical study that was still in progress when the IS/MND was circulated for public review. The results of the study are presented below/

As described in the IS/MND, The former Guyaux Waste Disposal Site (WDS)(SWIS No. 36-CR-0025) and the Griffin Parcel (APN 0163-362-26) are both located within the boundaries of proposed Community Soccer Park site. In 2017 a preliminary evaluation of the Griffin parcel suggested it may contain buried debris associated with the Guyaux WDS. At the request of the City, Leighton Consulting Inc. (LCI) conducted a Phase II Environmental Site Assessment (ESA) of the Griffin Parcel to confirm the presence of waste or hazardous material on that portion of the proposed soccer park. This Phase II ESA was being prepared while the IS/MND was being circulated for public review and is part of the City’s ongoing environmental work and regulatory coordination for the Community Soccer Park project. Provided below is a brief summary of the Phase I ESA.

The purpose of the Phase II ESA was to determine if or to what degree the Griffin property contained any waste or hazardous materials. The Work Plan for this effort was reviewed and approved by the San Bernardino County Department of Environmental Health Services in consultation with CalRecycle as the two most appropriate hazmat oversight regulatory agencies for this work. LCI conducted both trenching and soil sampling with laboratory testing and found the following:

- The site contained numerous small scattered items of trash but no evidence of large-scale burying of wastes was found either associated with or independent of the Guyaux WDS.
- A small amount of metal debris was found in one trench (T4) that included an automotive frame part, a few small metal pans, and miscellaneous pieces of sheet metal which did not match the type of debris reported for the main Guyaux WDS.
- Soil samples were collected from each of the trenches and revealed no significant concentrations of petroleum-based materials, volatile organic compounds, pesticides, or metals. All detected compounds were found at concentrations below acceptable residential or commercial/ industrial regulatory screening levels for soil.
- LCI found no significant evidence of an extension of the Guyaux WDS beneath the Griffin Parcel, and no evidence of significant debris burial near the southwestern edge of the Griffin parcel.

Conclusions

The various comments on the IS/MND serve to clarify or expand on the analysis already provided in the IS/MND. In addition, Mitigation Measures CUL-1 and TCR-1 were modified based on comments by the San Manuel Band of Mission Indians and the Augustine Band of Cahuilla Indians are considered to be equivalent to the measures originally proposed in the IS/MND. The CDFW requested recirculation of the IS/MND to include more information on biological resources. However, more accurate and timely information on specific listed or otherwise sensitive species of plants or animals will be provided at the appropriate time (i.e., submittal of applications for Incidental Take Permits and Jurisdictional Permitting). No information was presented that would change the results of the IS/MND relative to significant impacts

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and no additional mitigation is needed or recommended. As indicated above, two of the mitigation measures on cultural resources were modified as a result of Native American tribal comments per AB 52.

Acronyms

AB	Assembly Bill
ABCI	Augustine Band of Cahuilla Indians
APN	Assessor Parcel Number
AQMD	Air Quality Management District (South Coast)
BMP	Best Management Practice (for water quality)
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
City	City of Colton
CLOMR	Conditional Letter of Map Revision (FEMA approval for flood zone changes)
CNDDB	California Natural Diversity Data Base
COR	City of Riverside
CUL	Cultural Resources
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
IS/MND	Initial Study/Mitigated Negative Declaration
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
NA	Native American
NAHC	Native American Heritage Commission (state agency)
NOD	Notice of Determination
NOx	Nitrogen Oxides
NSP	Northside Specific Plan (in the City of Riverside)
RWCQB	Regional Water Quality Control Board
SAWS	Santa Ana River woollystar (listed plant species)
SB	Senate Bill
SBCDPW	San Bernardino County Department of Public Works
SBKR	San Bernardino kangaroo rat
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SMBMI	San Manuel Band of Mission Indians
SWPPP	Storm Water Pollution Prevention Plan
TCR	Tribal Cultural Resources
USACE	U.S. Army Corps of Engineers
VOC	Volatile Organic Compound
WDS	Waste Disposal Site
WQMP	Water Quality Management Plan