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ORANGE COUNTY
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EDUCATION / ADVOCACY / RESTORATION / ENFORCEMENT

August 5, 2008

Santa Ana Watershed Project Authority
Attn: Jeff Beehler
11615 Sterling Avenue
Riverside, CA 92503

RE: Santa Ana River Maintenance Program, IS/MND Public Comments

Dear Mr. Beehler,

Thank you for including Inland Empire Waterkeeper and Orange County Coastkeeper in your NOP distribution list to review the proposed river maintenance plan. Our comments on the plan and the Initial Study/Mitigated Negative Declaration are below. Our mission is focused on the water quality of the Santa Ana River Watershed, so in this case we are concerned with impacts primarily to the river, the people who enjoy it, its native inhabitants, and tributaries:

1. Cover page: misspelled “maintenance”
2. General: Perform a thorough QA/QC for spelling and grammar errors.
3. General: Calling this a Maintenance *and* Conservation Plan is misleading. The goal is to perform maintenance activities with a set list of best management practices. No one species or habitat is actively or intentionally proposed to be conserved as a result of this maintenance plan. Conservation-type methods are suggested as a means to mitigate impacts from maintenance. Perhaps calling it a Maintenance and *Mitigation* Plan would be more accurate.
4. General: The term “ongoing” is used to describe this program. If these activities have been ongoing, where are the results showing improved flood capacity and/or habitat? That would be a strong case on which to build approval of this program.
5. General: The Program identifies two channels that appear to be significant to the survival of the Sucker: Rialto Drain and Sunnyslope Creek; however it does not include protecting or improving the habitat of these channels. Rather, several substantial maintenance activities are planned. Since mitigation for impacts is often thought of as actions that are “above and beyond,” we suggest mitigation for impacts to include funneling money to preserve these important areas.
6. General: This program does not include any breeding or recruitment programs, which

would be part of a typical species conservation plan – please explain. Also, the Program mentions that a qualified biologist might relocate species. Please explain where the species might be relocated to, and for how long. It also might be good to identify now who will contract with, and pay for the biologists.

7. Pages 6 and 12: The project location shown on the Index Map does not coincide with the project location shown on Map Area 6.
8. Page 19: Reject including the term “...restoration activities...” because this Maintenance Program does not actively include restoration, only as a suggested mitigation in response to any one of the seven “Covered Activities”. In addition, after reading the Program in Appendix A, it is clear that the Covered Activities are not to restore sucker habitat but to maintain flood control capacity.
9. Page 19: Rename item 5 to “Vegetation Removal” as that more directly defines the proposed activity.
10. Page 20: Item 7 does not match Item 7 in the Program in Appendix A. Please rename to Operation and Maintenance of Wastewater Treatment Plants and rewrite to match the Program for which this Mitigated Negative Declaration is written. Notably, no where in the Program in Appendix A did I locate the activity described on Page 20, item 7.
11. Page 27, Measure 7: Is not listed in column 3 of Table 2 as a minimization measure for any activity.
12. Page 82, item VIII.a, Short-Term Water Quality Effects: Which best management practices will be used in conjunction with avoiding impacts and “the impact minimization measures”? It is not stated in the Program. I have found they are listed as mitigation measure H-3; please state this in this section that the BMPs are in-fact mitigation measures.
13. Page 84, Recreation 1: Completely disagree with this statement: “The segments of the SAR included within the project area contain limited flows and are not widely used for REC 1 activities.” It has been documented, both officially and through anecdotal evidence that the large, vegetated, flowing sections of river are frequented by persons year-round. Equestrian groups, homeless camps, low-income families and outdoor enthusiasts are in the river bottom. Point of information – City of Fresno recently lost a case of “illegal search and seizure” when the city had an encampment in their right-of-way removed by maintenance teams. They are now paying millions of dollars to the homeless persons that were ejected.
14. Page 84, Recreation 2: Completely disagree with this statement: “The segments of the SAR included within the project area contain limited flows and are not widely used for REC 2 activities.” See number 13 above.
15. Page 85, first sentence: How does the Program “maintain” native vegetation? It proposes the removal of native and nonnative plant species as a covered activity. Planting of natives is not proposed as a minimization measure.

16. Page 85, Wild: Since it is stated that the project area is known to contain bird species in the “Rare” section, then it should say in the “Wild” section, “...some reaches of the SAR and tributaries support native and non-native vegetation that is used by waterfowl...”
17. Page 85, Wild: One of the covered activities is vegetation removal for flood capacity purposes, and when the vegetation grows back it will be blocking capacity again and will be cut down, again. Therefore, stating as justification for an impact less than significant, that since it will grow back, ‘impacts to wildlife habitat are not affected’ is moot. If I understand the proposed program correctly, then continual maintenance will occur and cause a permanent change from what is currently there.
18. Page 85, Rare: A discussion or mention of the upcoming Biological Opinion and Section 9 prohibitions would be appropriate because if the BO determines that the program *will* jeopardize the special species then no take will be allowed and the Program is likely to be changed significantly. Also, please discuss SAWPA’s other option, that is paying into the Western Riverside Co. MSHCP for incidental take of the Sucker.
19. Page 88, item C: The program describes how existing drainage patterns will be altered during maintenance, but inherently erosion and downstream sedimentation will occur. Please reconsider.
20. Appendix A, page 12, item 3: Removing vegetation during the rainy season would cause erosion and impacts to aquatic life. This is a potentially bad solution to maintaining cool water temperatures.
21. Appendix A, page 19, item 7, bullet 4: The breeding habitat study failed, however, the same sort of activity is suggested as a mitigation measure for some of the covered activities – please explain.

On behalf of both Orange County Coastkeeper and Inland Empire Waterkeeper, please call if you have any questions.

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