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Joseph M. Lambert
Director of Development Services
City of Yucaipa
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Yucaipa, CA 92399
jlambert@yucaipa.org

Via Email & U.S. Mail

Re: *California Environmental Quality Act Comments on Wilson Creek Estates
DEIR, State Clearinghouse Number 2015091088*

Dear Mr. Lambert and the City of Yucaipa:

Pursuant to the California Environmental Quality Act ("CEQA"), this is to follow up on our comments on the Draft Environmental Impact Report ("DEIR") for the Wilson Creek Estates project ("the Project"), State Clearinghouse Number 2015091088. We apologize, and wanted to clarify, that our earlier comments from Craig Collins were provided on behalf of the SoCal Environmental Justice Alliance ("SEJA.") SEJA has commented and continues to comment on a number of projects throughout the Inland Empire as well as in Los Angeles County.

We also have the following comments on the FEIR.

Regarding California Department of Fish & Wildlife ("CDFW") Comment 3-8, and your response, we do not think it is at all reasonable to make a post-hoc conclusion that Hall's monardella is not present based on surveys for burrowing owls, or to establish a jurisdictional delineation.

Concerning Comment 3-10, where you asserted that looking for special status plants on a reference site was not practicable, there is no evidence that the City made any attempt to do searches on any reference sites, so we can't establish whether it was practicable or not.

As to Comment 3-12, just because the SBKR or SKR have not been recorded on the site before does not mean they are absent, and we agree that you should have done trapping for them.

We believe the FEIR contains significant new information as to Biological Resources as well as other impacts and that revision and recirculation of the DEIR is appropriate. Among other things you have concluded that 82.89 acres of wildlife habitat is present¹, you have provided estimates of the streambed acreage that would be impacted by infrastructure improvements alone, and you included new discussion of impacts to El Dorado Ranch Park which was entirely absent from the DEIR.

With regard to Comments 3-21 and 3-22, you assert that language has been added to MM's BIO-1 and BIO-5 allowing the nesting season to be adjusted "based on biological observations in the field," but again, it is not clear who is going to do these observations or when, since you only expect a qualified biologist to be there during a minimal nesting season which as we've already argued is not adequate.

We don't think you adequately responded to Comment 3-23.

As to Comment 3-25 we don't agree that species are likely to use the drainages for movement once the development is present.

Regarding our comments, you did not respond to Comment 7-2 at all. As to Comment 7-12 we disagree with the assumption that transects of 10 meters' width are sufficient to identify all special status species on site, particularly when you weren't surveying during the blooming period for some of them.

On Comment 7-13 we do not agree that you have applied the correct standard as we don't agree that CEQA requires the extirpation of a species before there is a significant impact. Moreover, even if there is preservation of the riparian habitat (a fact that is not guaranteed now, so the EIR also suffers from segmentation), you have not addressed the impacts of increased human presence and development to the species that survive in that habitat. Thus we do not agree your conclusions are based on substantial evidence.

Concerning Comment 7-20 we disagree that mitigation offsite reduces impacts onsite to less than significant.

Just because the San Bernardino National Forest provides a movement corridor does not indicate that the Project site does not.

As to Comment 7-24, MM BIO-7 should provide for a final survey 24 hours or less prior to grading.

Regarding Comment 7-28, we still do not believe that MM BIO-5 adequately mitigates for impacts to nesting birds. As we stated before, there is no way for the biological monitor to assure that disturbances will not occur from construction within the avoidance buffer.

¹ We're also unsure as to whether this number is based on substantial evidence, when you claim to have surveyed 104 acres for sensitive plants.

Joseph M. Lambert, City of Yucaipa
April 11, 2016
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Please include this letter in your record of proceedings on this Project. Thank you.

Sincerely,

Hannah Bentley
Contract Attorney