



# Interoffice Memo

**DATE** February 25, 2020

**PHONE** 387-8109

**FROM** HAROLD ZAMORA, Supervising Planner  
Environmental Management Division *HZ*

**MAIL CODE** 0835

**TO** MERVAT MIKHAIL, P.E., Chief  
Transportation Design Division

File: F02796

---

**SUBJECT** CEQA EXEMPTION: EMERGENCY REPAIRS OF RIALTO AVE APPROX. 350-  
FEET WEST OF INTERSECTION OF RANCHO AVE

---

## BACKGROUND INFORMATION

The project consists of: the emergency repairs of Rialto Avenue approximately 350-feet west of the intersection of Rancho Ave. These activities include the replacement of damaged asphalt concrete roadway, the replacement of curb and gutter, and the placement of engineered backfill in an effort to rebuild the eroded slope. All repairs shall be in-kind as this Notice of Exemption has been prepared to mitigate an emergency situation. The project is located within the City San Bernardino.

## ENVIRONMENTAL DETERMINATION

In compliance with the California Environmental Quality Act (CEQA), Environmental Management Division (EMD) staff has reviewed the proposed project.

The proposed project qualifies under the emergency exemption per the CEQA guidelines 15269 (b) and (c), which allows for emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.

In order to qualify for these exemptions, the following condition(s) shall be observed.

## GENERAL CONDITIONS

1. All work, including equipment staging, will remain on disturbed areas. No new work outside disturbed areas or existing rights-of-way will be performed without further environmental evaluation.
2. Standard best management practices shall be implemented during all maintenance activities, especially those pertaining to dust control, erosion control, and storm water pollution prevention. If equipment is parked overnight then a drip pan, or some other form of protection shall be placed under the vehicle in order to contain any drips, leaks, and/or spills. All food and other trash generated on the worksite shall be removed from the site daily. Please contact EMD at (909) 387-8109 with any questions.

## **BIOLOGICAL RESOURCE CONDITIONS**

1. To avoid impacts to any nesting migratory birds, project activities shall be conducted outside of bird nesting season (March 1 through August 31). If the maintenance project is scheduled during the nesting season, pre-construction nest survey(s) are required to ensure that impacts to nesting birds are avoided. The last survey is to be conducted within three days prior to the start of work. If occupied nests are observed within the project area, the qualified biologist shall flag off the area(s) supporting bird nest(s) to provide a buffer (size of buffer will be dependent of the species found to be nesting at the discretion of the biologist), between the nest(s) and limits of maintenance. The biologist shall provide appropriate recommendations to ensure that no "take" results from the subject maintenance activities in the vicinity of flagged nest(s). If the surveys are negative maintenance activities can proceed as proposed. Please contact EMD at (909) 387-8109 to schedule pre-construction nest surveys.

It is our opinion that the Emergency Repairs to Rialto Avenue meets the criteria for an exemption under Section 15269 of the CEQA Guidelines. To complete the Emergency Categorical Exemption process, I recommend that a Notice of Exemption, together with the required fee, be filed with the Clerk of the Board of Supervisors of the County of San Bernardino.

Should you need further information or have any questions, please contact Mindy Davis, at 7-8113.

HZ:MD ms

Attachments: Notice of Exemption

cc: Eloy Ruvalcaba  
Ellie Hargrove