

## **Citrus Reservoir Earthen Stockpile History as of 7/29/17**

### **Summary of Events**

The two large earthen stockpiles east of REI are the excavation materials from the construction of the California Dept. of Water Resources (CDWR) Citrus Reservoir. This reservoir is a component of CDWR's East Branch Extension Phase 2 (EBX II) water project that was constructed to supply the growing water needs for communities in the eastern valley of the inland empire. The project ties into the aqueduct that exists under Opal Ave and pumps water east with storage in the Citrus reservoir and the reservoir above the Yucaipa Regional Park.

The CDWR East Branch Extension EIR dated January 2009 contains many references to Redlands Airport. The construction related impacts to the airport and wildlife concerns about the reservoirs location were well documented in the EIR. Adequate mitigation measures were proposed, but most were not implemented. (See EIR info in this summary.) The City of Redlands did not provide any comments during the comment period of the EIR. Initially the site contractor communicated construction concerns with Jim Ott, Redlands Aviation as they thought he was the airport manager and City representative.

The construction near the airport is on property just east of the Redlands City limits and within the unincorporated area of the County of San Bernardino.

The new reservoir (Citrus Reservoir) is approximately 1/2 mile from the Redlands airport (REI). This reservoir will undoubtedly attract water fowl that are a hazard to aircraft operation. The California Airport Planning Land Use Handbook calls attention to the FAA's guidance on separation criteria for potential wildlife hazard attractants within FAA Advisory Circular 150/5200-33B, "Wildlife Hazard Attractants on and Near Airports". The guidance provides for a 5000' minimum separation distance between the airport operation area and the wildlife area attractant, the reservoir.

We are not sure of how a reservoir got permitted and constructed within a 1/2 mile of the airport operation area. Why did the State of California plan a reservoir closer than the recommended distances specified in the "The California Airport Planning Land Use Handbook" published by the State of California Department of Transportation?

Numerous airport users made issue of the stockpile and the obstacle hazard it created in early 2013 to Caltrans, The City of Redlands, and the FAA. The stockpile of greatest concern is the one closest to Runway 26. The storage of the materials in the stockpile was done under a Temporary Use Permit (TUP) granted by the County of San Bernardino.

Sometime late 2013 or early 2014, CDWR's contractor, Ames construction sold/transferred ownership of this material to the property owner where it is stockpiled. It is assumed this transaction was done to avoid the obligation and costs associated with hauling and disposing of this large volume of excavation material to another site.

A screening plant to separate rock from soil was erected in early July 2014 by the property owner that acquired the stockpile. The TUP granted by the County of San Bernardino did not specifically address this use. We also later learned the screening plant was built and operated to facilitate sorting the materials so the property owner could sell the excavation materials. The screening plant was originally erected on the toe of the 7:1 slope in the N/W corner of the stockpile. It has remained in basically the same location until now, but as spoils have been removed, it's height has been reduced. The current elevation of the nearest obstacle to REI's runway is approximately 20' AGL. It was originally approximately 80' in height.

Airport users voiced concerns about the stockpile and reservoir in meetings, emails, and letters numerous times to the following agencies:

AOPA

California Pilots Association

FAA

Caltrans Division of Aeronautics

City of Redlands

County of San Bernardino

CDWR

Caltrans Division of Aeronautics was initially helpful. Patrick Miles, our aviation safety representative was instrumental in getting the height of the earthen berm reduced in 2013 below the part 77 approach heights. Patrick initially stated the CDWR contractor is supposed to remove this berm on the S/S of the runway centerline extended by November 2014 as a condition of his permit. He stated the site was supposed to be returned to its original elevation contours. The stockpile was supposed to be temporary.

But after the CDWR contractor sold the stockpile to the property owner at the location of the stockpile, his assistance diminished. Many times, Patrick simply threatened to curtail nighttime ops at REI when airport users brought this issue to his attention. Thankfully, he does not have the authority to do so. Patrick did appear at a Redlands City Council Meeting in November 2014 to present on the obstacle. His letter dated October 16, 2014 that was presented at this meeting is included in this summary.

The FAA was initially concerned about the stockpile, but ultimately because the slopes height was reduced below the approved part 77 approach slope they did not get involved.

Most of the communications made between the airport community and the City of Redlands Quality of Life Staff occurred at AAB meetings. This was done as the City is the airport sponsor and it was hoped they would take up the fight. Letters are included in this summary from the RAA to Fred Cardenas, City of Redlands and Dave Prusch County of San Bernardino. Also included are letters from Chris Boatman, City of Redlands to the County of San Bernardino.

During discussions at the AAB meetings with the City of Redlands it became obvious that the best way to get the obstacle removed was to apply pressure to San Bernardino County. Their Land Services Department kept renewing temporary use permits (TUP) for the property owner with the stockpile. I believe the responsible parties at the County thought the property owner could sell the materials in a reasonable amount of time.

On November 20, 2014, the City of Redlands asked the County not to renew the TUP. So, the County let the permit expire. The property owner continued removing some material but at a very slow pace.

In July 2015, we learned the TUP had expired at the site. On July 28, 2015, the RAA wrote a letter to Dave Prusch, Land Use Services Supervisor SB County, asking him about next steps the County was going to undertake to get the "temporary" obstacle removed. David responded on 7-29-15 and said the matter would be sent to County Code enforcement. Julie Hernandez, a Code Enforcement Supervisor, was given the assignment to handle.

Even when they had a TUP, we do not believe the property owner ever obtained FAA approval of the location and operation of their sorting plant. There were flags on their equipment but there aren't any lights at night. Vehicles are also left on the slope when work is not being performed.

The RAA shared these concerns with the City of Redlands at AAB meetings. We also followed up numerous times with County code enforcement staff after the matter was referred to them, but they didn't return my calls or respond to our e-mails. Quality of Life Department shared that they too are not having any luck in getting county staff to resolve the situation.

As a result, Ingrid Biglow, Jim Hoyt and I went to the San Bernardino County Board of Supervisors meeting on June 15, 2016 to voice our concerns during public comment (See Ted and Ingrid's public comments). We requested the board's assistance to get the proper focus on removing this hazard. Chairman Ramos referred the matter to the CEO of the Board for follow-up.

Shortly after the BOS meeting I was contacted by Supervisor Ramos staff and they shared correspondence that had been sent from the County to the property owner. On June 23, the County's attorney issued a stern letter to the property owner. The letter

threatened the property owner with criminal prosecution. This correspondence is included in this summary.

In July 2016, I was contacted by Andy Wingert, Code Enforcement Chief Land Use Services Department as he was aware that I wanted to talk to him about the stockpile issue. In our conversation and e-mails I thanked the County for issuing the letter to the property owner and shared there was significant activity occurring by the property owner to sort material and haul it away. But, I also asked Chief Wingert to investigate having the property owner move the screening operation away from the approach path of aircraft as I believed it was a hazard.

Chief Wingert then shared he would involve Patrick Miles at Caltrans to assess the safety issues I had brought to his attention. On 8-16-16 I sent the County photos of blowing dust so bad from the sorting operation it obscured use of runway 26. This information was shared with Chris Boatman. The site contractor started using water during sorting operations shortly thereafter. Please see the email communications between the RAA, Chief Wingert and Chris Boatman included in this summary.

There has not been any further communication between the RAA and San Bernardino County. The stockpile closest to the runway has been reduced from 80' to 20'. The site is still not to original contours. Materials are still being sorted and hauled away. There are piles of material near the approach to the runway that can be located elsewhere.

**Current Recommendations for AAB to consider.**

- I believe it is appropriate for the City to follow-up now with the County to get the latest schedule on when the work will be completed. A formal inquiry of this nature to Supervisor Ramos's office would may help their code enforcement group to keep the pressure on the property owner to finally remove the material. Perhaps an official from their Code enforcement organization could present at a Redlands City Council meeting.
- The City of Redlands should understand both the City's and the DWR's obligations to implement mitigating measure LU-7 approved in the EIR for the EBX-II project. These mitigations are designed to minimize the potential for bird strikes resulting from birds being attracted to the reservoir. We are not aware of any progress on completing these mitigating measures.

Prepared by: Ted Gablin  
Redlands Airport Association

***AOPA's February 2013 Letter to the FAA***

February 25, 2013

Ms. Karen McDonald  
Specialist, Air Traffic Airspace Branch  
Federal Aviation Administration, ASW-520  
2601 Meacham Boulevard  
Fort Worth, TX 76137-0520

Re: FAA Aeronautical Study No. 2012-AWP-8150-OE

Ms. McDonald,

The Aircraft Owners and Pilots Association (AOPA), representing nearly 400,000 members nationwide, submits the following comments in response to the Federal Aviation Administration's (FAA) Aeronautical Study Number 2012-AWP-8150-OE for an earth stockpile near Redlands Airport (REI) in Redlands, California.

AOPA is disturbed with the impact the earth stockpile, already being constructed, will have on the safe and efficient navigation of airspace in and around Redlands Airport. A major concern is the close in proximity (just over 3000 feet) of the earth stockpile to the approach end of RWY 26. The stockpile, not currently marked or lighted at night, appears alarmingly close to the final approach path to the runway and could present a substantial hazard during a night approach to RWY 26 which has no visual glideslope aides. This could be particularly hazardous to transient pilots unfamiliar with the airport. The earth stockpile will also rise to 1656 feet MSL which is 82 feet above the RWY 26 threshold elevation of 1574 feet MSL. The height and proximity is very troubling and could also present a hazard to aircraft arriving on RWY 26 and departing on RWY 08.

In light of the impact the earth stockpile will have to flight operations at Redlands Airport, AOPA requests that the FAA issue a determination of hazard. We appreciate the opportunity to comment on this proposed obstruction.

Sincerely,

Patrick Timmerman  
Senior Aviation Technical Specialist  
Aircraft Owners and Pilots Association

## ***Caltrans 10/16/2014 Letter to City of Redlands***

State of California  
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

### **M e m o r a n d u m**

*Flex your power!  
Be energy efficient!*

**To:** City Council, City of Redlands

**Date:** October 16, 2014

**From:** Patrick Miles  
Aviation Safety Officer  
Division of Aeronautics

**Subject:** Earthen Stockpile at Redlands Airport

Mayor and City Council:

Caltrans Division of Aeronautics has been monitoring an earthen stockpile located east of the Redlands Municipal Airport. Through cooperative efforts with Redlands Airport Management (Chris Boatman and Tim Sullivan), the stockpile was reduced to a safe height not exceeding the REI's FAR Part 77 protected surfaces. The following is a chronology of events concerning the stockpile:

- September 8, 2008 - our Environmental Specialist (Sandy Hesnard) provided written comments on the Draft EIR for the CA Department of Water Resources East Branch Extension – Phase II.
- January, 2013 – I reviewed an FAA Aeronautical Study (2012-AWP-8150-OE) that was being circulated by Karen McDonald. It stated that “the earth stockpile exceeds obstruction standards.”
- February, 2013 – I started getting calls from local pilots complaining about the height of stockpiled dirt. One of them claimed that the stockpile was actually located closer to the runway than the data points contained in the FAA Aeronautical Study. Chris Boatman put me in touch with Jeff Geist and Dave Mlynarski who agreed to obtain more precise survey data and correct their FAA Form 7460-1 submittal.
- Feb 20, 2013 – I informed Karen McDonald of this new development via e-mail.
- Feb 26, 2013 – I received revised contour data from Transtech (for Ames Construction).
- Feb 28, 2013 – I informed Karen McDonald via e-mail that the new data point elevations received from Transtech do show the dirtpile to be approximately 400 feet closer to REI's runway than what is reported in 2012-AWP-8150-OE.
- March 12, 2013 – I visit REI where I took some measurements with my handheld instruments and met with many people including:  
Chris Boatman, City of Redlands  
Dave Prusch, San Bernardino County

*“Caltrans improves mobility across California”*

Jeff Geist and Scott Rout, Ames Construction  
Dave Mlynarski and Dave Ragland, Transtech

Everyone was very cooperative. Ames Construction guys agreed to bring the dirt stockpile height down to a level below the FAR Part 77 protected surfaces as shown on Transtech's February 26, 2013 drawing – this entailed relocating several hundred cubic yards of dirt – it was accomplished within a week.

- June 11, 2013 – I visited REI for the purpose of completing an annual airport permit compliance inspection. In my report, I made the following observations regarding the stockpile:
  - It does not penetrate the FAR Part 77, 20:1 Approach or 7:1 Transitional surfaces,
  - An FAA NOTAM should be kept on file cautioning pilots to avoid overshooting final to Runway 26 due to rising terrain located south of the runway centerline,
  - Obstruction lighting should be enhanced atop the stockpile.
- August 5, 2014 – I visited REI for the purpose of completing an annual airport permit compliance inspection. I met with Chris Boatman, Dave Prusch and Dave Mlynarski. I asked for an update on the status of the stockpiled dirt, particularly plans for removing the portions underlying REI's FAR Part 77 protected surfaces. Dave Mlynarski agreed to provide us with quarterly updates.
- August 28, 2014 – I received a dirt removal status report from Dave Mlynarski. It states: "The next project update to be provided will be December, 2014."

Best Wishes

Patrick Miles  
(916) 654-5376

***Redlands AAB Meetings That Discussed Obstacle Issue***  
***Note There are More, But Minutes Cannot be Found on City's Website***

1/12 – No mention

4/4/12 – No mention

5/2/12 – No mention

6/6/12 – No mention

7/11/12 – No mention

8/3/12 – Discussion around the East Branch Water Project holding ponds centered on concern of attracting water fowl. Observed that excavation of the ponds is presently in progress.

12/5/12 – Mr. Boatman informed the Board a temporary use permit has been taken out by the County of SB for the storage of material removed during reservoir construction. The storage would be to the north of the project. Discussion held on possible implications this could have along w/wildlife mitigation concerns. It was decided staff would research this matter and report back to the board at the next scheduled meeting.

2/6/13 – The East Branch Water Project holding ponds, located southeast of the airport, is of concern to the AAB due to excess elevation of soil stockpiles at the approach to Rwy 26, in addition to attracting water fowl. The currently existing pile height interferes with safety of flight of both fixed wing and rotary aircraft. The AAB is concerned about all projects that impact the safety of operations at the airport. Members are encouraged to write the State Water Resources Department expressing the stockpile height violation.

*Note that there is no mention in the notes of staff reporting back on the matter as decided on 12/5/12.*

3/21/13 – No mention

4/10/13 – Staff reports that the dirt mound situation on the approach to Rwy 26 continues to be closely monitored.

5/6/13 – Mr. Pearce brought up the topic of the water project just to the east of the airport and the very high dirt pile that is part of the project. He maintains the whole project is a danger to aircraft attempting to land at Redlands, and is in violation of the EIR report. **Mr. Boatman and Ms. Garcia stated they will assist in getting this issue to the City Council.**



8/7/13 – Staff went over the projects mitigation plan throughout the phases of construction. Staff reminded us that the dirt pile and the reservoir were two separate projects and that these were the mitigation plans for the reservoir. The last part of the plan deals with the control of wildlife at the reservoir. That part of the plan is dynamic and is subject to change. The board would like to keep this item on the agenda.

10/2/13 – Discussion surrounding the reservoir and wildlife mitigation, as FAA recommended 5,000 ft. separation is not in place. The chair stated she would establish an ad-hoc committee to look into what actions were appropriate. **Mr. Caton moved that the Board ask the City Council and the City Attorney to look into this issue. The motion carried.**

12/4/13 – An investigation by the city attorney into the 'reservoir' has begun as to the legality of its existence. The board will continue to advise the city of our concerns. Per Mr. Boatman, the county has been notified that the dirt pile, a separate entity has been confirmed as a project in clear violation of the law. The city has forwarded the 1-year extension to the county with comments, again proving its illegal existence. No work back as of yet.

2/5/14 – Mr. Boatman briefed board members that this project is an approved project which the State has an obligation to carry out. He said the State indicated that documents were circulated for comments on the project, and that none were received...if waterfowl become an issue the State is required to implement mitigation procedures.

No specific mention of the stockpile.

3/19/14 – No mention

6/4/14 – Ms. Biglow requested that Mr. Boatman and staff continue to monitor the project on the stockpile, which is still a temporary area of dirt. Mr. Caton enquired what recourse the City has for a permanent design.

8/6/14 – The construction of said reservoir has created the ominous controversial stockpile, since early of last year. Lengthy discussion ensued. A meeting took place earlier in the day, with Mr. Cardenas, QoL Director, Patrick Miles and others connected to resolve to remove said stockpile.

9/3/14 – Mr. Gablin provided comments on the obstacle issue near the airport and notes that while some changes have occurred to reduce the size of the stockpile, there have been no beneficial improvements...Without intervention by the City and the responsible parties at the County of SB, Mr. Gablin stressed that contractor's commitment to the removal of the stockpile would not appear to be completed by the end of the year.

Mr. Sullivan read a brief excerpt from the plan involving the removal of the stockpile, which highlights the primary operations for the next 60 to 90 days (10,000 cubic yards/month, pile is 100,000 cubic yards in size). Next project updated will be provided in Dec. '14

10/1/14 – Notification that stockpile removal contractor is no longer on-site. Mr. Sullivan informed that another permit extension for the stockpile location had been filed with the County. Board made a motion to add agenda item for City Council and for City Attorney and staff to craft a letter opposing the extension of the permit and asking for the immediate removal of the stockpile.

## ***Final EIR For EBX-II Project, January 2009***

The City of Redlands was identified as a party to the project EIR because of construction related traffic impacts to Redlands Municipal Airport. The EIR identified concerns regarding project construction impacts to airspace and wildlife attraction concerns resulting from the reservoir.

- The City of Redlands did not provide any comments to the EIR.
- The FAA provided comment to the EIR and basically was satisfied if mitigating measure LU7 was implemented.
- Caltrans Division of Aeronautics provided a detailed comment letter to the EIR and asked for EIR mitigation measures LU3, LU4, LU5, LU6 and LU7 to be implemented.

### EIR Summary of Impacts to REI and Mitigation Measures

The CDWR East Branch Extension EIR contains many references to Redlands Airport.

It identifies when construction around the airport was supposed to happen. Most of it was supposed to be done at night. That didn't happen.

The potential for attracting wildlife and waterfowl were identified by the FAA and Caltrans and are listed on pages 13-2 through 13-5.

EIR mitigation measures involving the airport. My comments in red are below each measure:

#### LU2

Mitigation Measure LU-2: Flood control facilities, water conservation facilities including percolation ponds, roadways **and private yards** and driveways, will be returned to their original condition following installation of the pipeline.

***This addresses the stockpile obstacle. Even though Ames construction has sold the stockpile to a private property owner, it exists without a valid permit. As such, I think DWR has some obligation to insure the obstacle is removed East of the airport.***

#### LU-3

Mitigation Measure LU-3: DWR shall either move the alternative alignment eastward of the planned runway extension, or include an encasement structure in the design of the project within the path of the proposed runway that would allow for a runway to be constructed over the pipeline in the future. The encasement structure would also provide necessary maintenance access.

***I think they moved the pipeline to, Opal ave which is East of any planned runway extension***

#### LU-4

Mitigation Measures LU-4: Prior to final design, DWR will submit its proposed project plans to the Airport Land Use Commission for review and comment.

***I don't think this happened as the City of Redlands is not clear about who at the City functions as an ALUC***

#### LU-5

Mitigation Measure LU-5: Prior to conducting construction activities within the Airport Influence Area, DWR shall prepare an airport construction safety plan that identifies best management practices for use within each Zone identified in the Airport Land Use Compatibility Plan. For proposed construction within the Runway Protection Zone (Zone A), the Plan shall include, at a minimum, construction timeframes and hours, lighting and flagging requirements, air traffic control communication requirements, access and egress restrictions, equipment staging area requirements, personal safety equipment requirements for construction workers, and appropriate notification to aviators. The plan will be approved by the City of Redlands.

***If this happened no one at the City talked about it. The City of Redlands did not seem to know about the timing or extent of construction near the airport. We were always calling them after we noticed construction activities that were potential hazards.***

#### LU-6

Mitigation Measure LU-6: Prior to final design, DWR shall identify the ground elevation associated with each project component and submit its project plans to airport staff for review and comment. DWR shall submit its design plans for airspace analysis (FAA Part 7460-I review) to determine whether any of the proposed project components will protrude into protected airspace. If such objects are identified, DWR, airport staff, and FAA will identify appropriate steps to adjust project plans or include appropriate markings to identify hazards to aviators pursuant to FAA Part 7460-I.

***I have not heard anything about this. The contractor did file form 7460 for the stockpile. The FAA did not make a notice of determination because it was supposed to be temporary. Caltrans said it should be lit at its highest point until its removed.***

#### LU-7

Mitigation Measure LU-7: DWR shall reduce the potential attraction of its proposed facilities to wildlife through project design features, and ongoing monitoring as described below:

- DWR shall incorporate one or more avian wildlife deterrent design measures to minimize attracting wildlife. Measures could include one or more physical, mechanical,

visual, biological devices and features to deter avian wildlife attraction into project areas coincidental with the Airport Land Use Plan.

- DWR shall not plant seed-bearing grasses or fruit-bearing trees (other than citrus trees or other native vegetation required to replace existing habitat value) for landscaping at the Citrus Reservoir or within the disturbed project area coinciding with the Airport Land Use Plan.

- DWR shall coordinate with the City of Redlands to develop a Wildlife Hazard Management Plan for the Citrus Reservoir pursuant to FAA guidelines. At a minimum, the Plan would include maintenance, monitoring, and reporting requirements.

***Not sure of the design feature they have selected to deter "avian wildlife" in the reservoir. I haven't heard anything about working with the City of Redlands on a wildlife hazard management plan pursuant to FAA guidelines.***

## ***RAA Letter to City of Redlands***

July 29, 2014

Redlands Airport Association  
Redlands, California

Fred Cardenas  
Quality of Life Director  
City of Redlands

Dear Mr. Cardenas,

At our impromptu meeting at the airport on July 8, 2014, we discussed the obstacle issues affecting Redlands Municipal Airport (REI) resulting from the construction of the CDWR East Branch Extension Project. You shared the CDWR contractor and the property owner involved is doing everything legally from an aviation obstacle perspective per the Caltrans Aviation Safety Specialist.

It was also mentioned that the property owner, where a large portion of the dirt is stockpiled, now owns the dirt on his property. Additionally, the screening plant that went into operation on his property is not part of the CDWR project, and is an operation conducted by the same property owner. The screening plant is used to separate rocks from soil to facilitate selling the material.

In early 2013 Caltrans ordered the CDWR site contractor to grade the same material stockpile to a 7:1 slope with the lowest portion of the slope being just south of the Runway 26 centerline (C/L) extended. This was an interim measure and CDWR's contractor committed to remove the entire stockpile by November 2014.

CDWR's contractor then sold /transferred ownership of this material to the property owner. It would be a reasonable assumption that this transaction was done to avoid the obligation and costs associated with hauling this large volume of excavation material to another site. The removal of the temporary stockpile now is questionable as it is under the control of a property owner.

Since our meeting, we have all watched the excavation material grow on top of the "temporary" stockpile that is/was scheduled to be removed from in the vicinity of the approach end of Runway 26 by November this year. The material that is growing is primarily the rocks being separated from the sand that the property owner is selling. We are hearing the rocks are not as marketable as the sand. As a result, the rocks are being stacked in the established Runway Protection Zone (RPZ) for Runway 26 at REI. The rock piles are now also joined by a portable restroom, EZ-Up structure, picnic table and chairs.

We have been in contact with the assigned Caltrans Aviation Safety Specialist. He has stated the issues relating to the hazards these operations pose to the safety of people using REI are legitimate and warrant attention. The Caltrans Aviation Safety Specialist has also stated that the removal of the stockpile obstruction is a local matter. I assume this infers that this issue must be resolved by the airport operator (City of Redlands).

As a result of the obstructions and the hazards they create, many of us using REI are becoming familiar with FAA airspace safety requirements designed to protect airport approaches and to insure safety of pilots, structures and people on the ground.



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Perhaps we can assist by providing information to the City of Redlands about the hazards created by the obstacles. This can be done by sharing our research performed to date on this issue. It is our hope that the Quality of Life personnel managing REI become familiar with this information which can assist the resolution of this issue with proper priority.

Currently, the most onerous obstructions to pilots and aircraft at REI are occurring within the RPZ. The RPZ is a trapezoidal area centered on the runway typically beginning 200 feet beyond the runway end. The RPZ has been established by the FAA to provide an area clear of obstructions and incompatible land uses in order to enhance the protection of approaching aircraft, as well as people and property on the ground.

The FAA does not necessarily require the acquisition (outright property purchase) of the RPZ area, but recommends that airports maintain positive control over development within the RPZ either through zoning or land use planning or through aviation easements (acquiring control of land use and airspace within the RPZ).

RPZ dimensional standards are based upon the approach visibility minimums to the runway end as well as the approach category. For the current circling approach at Redlands Municipal Airport, the inner width of the RPZ is 250 feet, the outer width is 450 feet, and the RPZ is 1,000 feet long. Portions of the RPZ at each runway end extend off airport property.



Approximate size of Runway 26 RPZ at REI

July 29, 2014



Location of stockpile off Runway 26 at REI

The FAA's current standard contained in AC 150/5300-13A states:

*"It is desirable to clear the entire RPZ of all above-ground objects. Where impracticable, owners should maintain the RPZ clear of all facilities supporting incompatible activities."*

AC-150/530013A contains considerable information about the RPZ, approved uses and the process required for an airport operator to initiate an evaluation of other than approved uses of the RPZ. I found some information about recent changes to AC 150/5300-13A specific to the RPZ on the FAA's website. For your reference, here is a link to this document: [The Runway Protection Zone](#).

The consultants that drafted the approved 2008 Airport Master Plan for REI acknowledged the importance of the City of Redlands to maintain control of the RPZ for Runway 26. They recommended as part of this plan, the City of Redlands purchase 7-9 acres of property located in San Bernardino County to ensure the City has positive control over the Runway 26 RPZ.

The construction stockpile on the same individual's property outside of the RPZ appears to be an obstruction to air navigation as it meets certain criteria in the obstruction standards described in Title 14 CFR Part 77.17. It needs to be removed as originally committed to the Caltrans Safety specialist by CDWR's contractor.

Additionally, some of CDWR's construction north of the Runway 26 C/L involving cranes and material stockpiles resulting from additional excavations may meet the obstruction criteria listed in these regulations. Obstructions meeting the standards in Part 77.17 are presumed hazards to air navigation unless an aeronautical study by the FAA concludes that the object is not a hazard. The FAA has been asked to reevaluate these obstructions.

The CDWR East Branch Extension project is a very necessary water infrastructure project for our area. This project includes a new reservoir (Citrus Reservoir) that is approximately ½ mile from the airport. This reservoir will undoubtedly attract water fowl that are a hazard to aircraft operation. The California Airport Planning Land Use Handbook calls attention to the FAA's guidance on separation criteria for potential wildlife hazard attractants within FAA Advisory Circular 150/5200-33B, "Wildlife Hazard Attractants on and Near Airports" The guidance



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provides for a 5000' minimum separation distance between the airport operation area and the wildlife area attractant, the reservoir.



*With this in mind, how did a reservoir get permitted and constructed within a ½ mile of the airport operation area? Did the City of Redlands document concerns regarding the reservoir location in the request for comments that are part of the EIR report prepared for the CDWR project? Are there plans to cover this reservoir to avoid this potential hazard?*

We recognize that the runway obstacles affecting operations at REI are not within the City of Redlands. They exist primarily within the County of San Bernardino. This brings another level of complexity to the resolution of this safety issue. The City of Redlands has a plan entitled The Redlands Airport Land Use Compatibility Plan. This plan was approved by Redlands City Council in 1997 and was revised in 2003. This document is an airport land use compatibility plan and was developed with input from the County of San Bernardino. I actually found a copy of this plan on a San Bernardino County website. The obstacles created by the CDWR project

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construction and the third party property owner appear to be the very issues that are to be avoided through cooperative interagency planning.

Additional questions regarding the activities occurring within San Bernardino County that have been raised are:

- *Has the County of San Bernardino been made aware of the hazards to airport operations at REI?*
- *Is CDWR aware that one of their contractors transferred ownership of the stockpile to eliminate a Caltrans requirement to remove the stockpile?*
- *Is the property owner that acquired the stockpile obtained the necessary county permits for operation of the screening plant?*
- *Has the property owner requested an obstruction evaluation from the FAA?*
- *Has either the property owner or CDWR filed the necessary paperwork with the FAA to perform the work we are seeing within the RPZ?*

As stated previously, it is the intent of this e-mail to raise the level of awareness of the nature of hazards we are facing at REI. There may be significant liability for the City of Redlands, the County of San Bernardino, the California Department of Water Resources and the property owner with the screening plant if an accident were to occur and the obstacles were a factor. It would be in everyone's interest to resolve this issue with priority in a satisfactory manner without impacting the operation of the airport.

If Quality of Life or other City of Redlands personnel have questions about the documents, requirements or information referenced in this e-mail, please contact me or any of the leadership personnel of the Redlands Airport Association copied on this e-mail.

It would be helpful to keep REI tenants, businesses and property owners aware of the City of Redlands efforts to resolve this issue and to answer some of the questions raised in this email. Many of the questions raised in this e-mail are from airport users. The City of Redlands should consider an airport meeting with users to share the City's plan to mitigate these hazards. It may also be prudent to invite the appropriate San Bernardino County and CDWR officials to the same meeting. Please advise me as to your disposition of this suggestion.

Sincerely,  
Ted Gablin  
President Redlands Airport Association

CC.  
Lloyd Roberts RAA  
Dennis Brown RAA  
Cindy Gablin RAA  
Patrick Miles Caltrans  
Airport Support Network -Aircraft Owners & Pilots Association  
Karen McDonald FAA

Redlands Airport Association  
A Chapter of California Pilots Association  
1745 Sessums Dr. Ste. 1  
Redlands CA. 92374-1907

July 28, 2015

Dave Prusch Supervising Planner  
Land Use Services Department County  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187

Subject: Status of Stockpile Removal - Expired Temporary Use Permit P201200310

Dear Mr. Prusch:

Thanks for speaking with me yesterday about the earthen stockpile located on private property east of Redlands airport. The stockpile has been a hazard to aviation since it was placed over two and 1/2 years ago in proximity to Redlands airport.

The stockpile was originally reviewed by the FAA as part of FAA Aeronautical Study, 2012-AWP-8150-OE which was replaced by Study 2013-AWP-447-OE. As the obstruction evaluations were submitted as temporary conditions, both apparently are no longer valid. Per my conversation with FAA specialist Karen McDonald today, the FAA requires a new Obstruction Evaluation filing (Form 7460) as the stockpile still remains.

Even though the stockpile nearest the runway has been graded to a slope recommended by our Caltrans Division of Aeronautics Safety Specialist, Patrick Miles, this grading was viewed as an interim fix. The grading was completed in October 2014. There does not appear to have been any significant removal of material from the stockpile since that time.

According to a conversation I had with Mr. Miles on July 20, 2015, the stockpile was viewed as temporary and it was his understanding it would be removed prior to the latest permit renewal expiration. He also shared his understanding that the property east of the airport, where the stockpile is located, would be restored to original grade contours. A memo prepared by Mr. Miles with a chronology of events pertaining to the stockpile is attached. As an airport user, the last update received on the status of the stockpile was this memo. I have not seen or heard any further communications that resulted from the quarterly updates mentioned in his memo.

The City of Redlands has also made it clear that the stockpile conflicts with the Redlands Municipal Airport Land Use Compatibility Plan and the stockpile is not exempt from the required CEQA reviews. They too have said loud and clear that the stockpile needs to be removed. They have said this repeatedly since February 2013. A copy of the correspondence with these communications between you and Chris Boatman are attached.

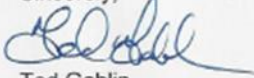


Redlands Airport Association  
A Chapter of California Pilots Association  
1745 Sessums Dr. Ste. 1  
Redlands CA. 92374-1907

As we discussed, the City of Redlands approved a contract with Ames Construction for transport of 7,000 cubic yards of fill dirt from the stockpile. This was approved at the 7-21-15 Redlands City Council meeting. This is a great start and we all appreciate the City of Redlands and Ames Construction's efforts in this regard. Unfortunately, the 7,000 cubic yards is estimated to be less than 5% of the remaining stockpile.

As the permit stockpile has been renewed numerous times and the latest permit extension for the stockpile has expired can you please provide an update on San Bernardino County's efforts to enforce the removal of the stockpile?

Sincerely,



Ted Gablin  
President Redlands Airport Association  
A Chapter of California Pilots Association

Attachments:

Patrick Miles 10-13-14 Memo  
Redlands-SBDNO County Stockpile Correspondence

CC - Electronic Unless Noted

Terri Rahhal, Director Land Use Services - County of San Bernardino  
James Ramos, Third District Supervisor - County of San Bernardino  
Ralf G. Zacky (US Mail)  
David.Mlynarski, Engineer-Transtech  
Jeff Geist, Ames Construction  
Chris Boatman, Field Services Manager - Quality of Life Dept. City of Redlands  
Alfredo Cardenas, Director - Quality of Life Dept. City of Redlands  
Patrick Miles, Aviation Safety Officer Caltrans Division of Aeronautics  
Karen McDonald, Specialist - FAA  
Dave Cushing, Manager - FAA Los Angeles Airports District Office  
Anthony Garcia (Tony) Compliance Program Manager FAA  
Brian Armstrong, Manager Safety& Standards FAA  
Victor Globa, Environmental Specialist- FAA Los Angeles Airports District Office  
Corl Leach, President California Pilots Association  
Andrew Wilson, Director California Pilots Association  
Steve Willer, Vice President Redlands Airport Association  
Dennis K. Brown, Safety Officer Redlands Airport Association  
Sandra Emmerson, Redlands Daily Facts

## ***City of Redlands Correspondence to San Bernardino County***

**Boatman, Christopher**

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**From:** Boatman, Christopher  
**Sent:** Wednesday, February 27, 2013 1:15 PM  
**To:** Prusch, David - LUS  
**Cc:** Rahhal, Terri; Cardenas, Fred; Garcia, Danielle  
**Subject:** RE: STOCKPILE OPERATION ADJACENT TO REDLANDS AIRPORT

Hi David,

Fred Cardenas, our department director has spoken with Mr. Rahhal and relayed some of our concerns. In general, the City remains very concerned about the stockpile. When I spoke with Mr. Miles Monday, he received confirmation that the stockpile is within the flight line of the runway and must be moved a minimum of 125 feet to the south to be out of the approach path. Mr. Miles also stated that that contractor has agreed to move the stockpile per this request within 72 hours. Based on this timeframe, Mr. Miles does not believe the airport should be shut down to night time traffic. We would greatly appreciate your assistance in ensuring that any relocation of the dirt is consistent with the TUP and that they obtain approval from the FAA obstructions group.

We also have concerns about the compatibility of the stockpile in that location. We have been reviewing the Airport Land Use Compatibility Plan and do not believe the stockpile is consistent with plan. It appears to be located within Compatibility Zone A and B-1. The use is not listed as a permitted use in either zone. In addition, no structures are permitted in zone A and structures in zone B-1 are limited to 35 feet in height. Dedication of an aviation easement is also required in both zones. Lastly, the TUP issued by the County did not include the required findings that must be made by the responsible jurisdiction in accordance with Section 1.5.4 of the Plan.

Also, I wanted to confirm with you that you the project was determined to be exempt by the County from CEQA. I believe you had mentioned this to me in a previous discussion and I have been unable to locate any environmental determination. I did review the EIR for the reservoir project and it appears to indicate that a separate means of disposing of the dirt was to be used. Please correct me if I am mistaken.

I did hear about the meeting from Patrick Miles and City staff will be present next Thursday to assist. With respect to Jim Ott, I have attached his contact information per your request. Please note however that he is a tenant at the airport and has no authority to speak on airport operations on behalf of the City.

Thanks for your assistance and please let me know if you have any additional questions.

**Chris Boatman**  
Senior Project Manager  
Quality of Life Department  
909-798-7624  
[cboatman@cityofredlands.org](mailto:cboatman@cityofredlands.org)

---

**From:** Prusch, David - LUS [<mailto:David.Prusch@lus.sbcounty.gov>]  
**Sent:** Monday, February 25, 2013 5:33 PM  
**To:** Boatman, Christopher  
**Cc:** Rahhal, Terri  
**Subject:** STOCKPILE OPERATION ADJACENT TO REDLANDS AIRPORT

Hi Chris,

I wanted to confirm with you that there is a meeting scheduled at the stockpile site at 2 pm on Thursday February 28, with Patrick Miles(Caltrans), Dave Mlynarski/Dave Ragland, representing Ames Construction and me. We hope that you or other city staff will be able to join us to discuss the stockpile issue.

In light of the City of Redlands/Airport's concerns about the stockpile operation by Ames Construction to the east of the Airport, I wanted to find out from you or Jim Ott, with Redlands Aviation, if there was anything else that the County should be doing to resolve this situation relative to the stockpile operation. Does the city feel that the current height/location of the stockpile poses a life threatening safety threat? Does the city feel that the airport should be closed due to an imminent safety threat posed by the height/location of the stockpile?

I don't have an e-mail address for Mr. Ott. Could you please forward this e-mail to Mr. Ott. Thank you for your attention to this matter.

**Dave Prusch**  
**Supervising Planner**  
**San Bernardino County**  
**385 North Arrowhead Avenue**  
**San Bernardino, CA 92415-0187**  
**(909) 387 – 4122**  
[david.prusch@lus.sbcounty.gov](mailto:david.prusch@lus.sbcounty.gov)



QUALITY OF LIFE  
DEPARTMENT

City of  
**REDLANDS**

Incorporated 1888  
City of Redlands  
35 Cajon Street, Suite 222, Redlands, CA 92373  
909-798-7624  
cboatman@cityofredlands.org

ALFREDO CARDENAS  
Director

November 13, 2013

Dave Prusch Supervising Planner  
Land Use Services Department County of San Bernardino  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187

Re: Stockpile Temporary Use Permit; P201200310

David,

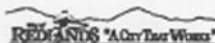
In reviewing the request for an extension of the Temporary Use Permit (TUP) for the earthen stockpile located east of the Redlands Airport, it remains staffs opinion that the stockpile is inconsistent with the Airport Land Use Compatibility Plan. It appears to be located within Compatibility Zone A and B-1. The use is not listed as a permitted use in either zone. In addition, no structures are permitted in zone A and structures in zone B-1 are limited to 35 feet in height. Dedication of an avigation easement is also required in both zones. Lastly, the TUP issued by the County did not include the required findings that must be made by the responsible jurisdiction in accordance with Section 1.5.4 of the Plan.

Also, we believe that the project is not exempt under CEQA and is part of the adjacent water project and should have been addressed in the related Environmental Impact Report (EIR). I did review the EIR for the reservoir project that produced the stockpile and it appears to indicate that a separate means of disposing of the dirt was to be used.

Sincerely,

Chris Boatman  
Senior Project Manager

Cc: Fred Cardenas, Quality of Life Director  
Danielle Garcia, Field Services Manager





QUALITY OF LIFE  
DEPARTMENT

City of  
**REDLANDS**

Incorporated 1888  
City of Redlands  
35 Cajon Street, Suite 222, Redlands, CA 92373  
909-798-7624  
cboatman@cityofredlands.org

ALFREDO CARDENAS  
Director

November 20, 2014

Dave Prusch Supervising Planner  
Land Use Services Department County of San Bernardino  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187

Re: Stockpile Temporary Use Permit; P201200310

Dear Mr. Prusch:

This letter is in reference to Temporary Use Permit No. P201200310 (TUP) issued by your office for the earthen stockpile located east of the Redlands Airport. On October 21, 2014, the Redlands City Council directed staff to submit a letter to San Bernardino County to express the City of Redlands' position that a permit extension not be granted and that the stockpile be removed immediately.

As indicated in the attached email dated February 27, 2013, and the letter dated November 14, 2013, the stockpile is inconsistent with the City of Redlands' Airport Land Use Compatibility Plan. As further indicated in the above referenced correspondence, it remains the City's position that the project is not exempt under CEQA and must undergo appropriate environmental review.

The property owner personally discussed with City staff that he is requesting permit extensions not because of the project's completion schedule, but because he needs more time to find buyers for the excavated material. The City is hereby putting the County on notice that the permit extensions are unwarranted and are for the sole purpose of extending the property owner's economic gain. To reiterate, the City is requesting that a permit extension not be granted and that the stockpile be removed immediately.

Sincerely,

Chris Boatman  
Field Services Manager





Cc: City Council  
N. Enrique Martinez, City Manager  
Fred Cardenas, Quality of Life Director  
Gregory C. Devereaux, Chief Executive Officer San Bernardino County

Attached:

November 14, 2013 Letter Concerning Request for an Extension of TUP  
February 27, 2013 email Concerning TUP



***Ted Gablin's Public Comment @ County of San Bernardino Board of  
Supervisors Meeting June 14, 2016***

Good morning Chairman Ramos and Members of the Board. My name is Ted Gablin. I am a pilot based at Redlands airport. I am also the President of the Redlands Airport Association. Our association is an airport advocacy group. I'm not going to spend my 3 minutes going over the history of the obstacle in Mentone that is a hazard to aircraft using Redlands municipal airport. Ingrid Biglow will cover much of that that.

This matter was referred to your code enforcement division on July 29<sup>th</sup> last year, by David Prusch of your Land Use Services Department. He did this after I wrote a letter to him dated July 28<sup>th</sup>. Chairman Ramos, you were copied on that letter.

Dave referred the removal of this stockpile to your code enforcement office. I briefly discussed the matter by phone with the designated Code Enforcement Project Manager, Julie Hernandez on July 29<sup>th</sup>. She stated she was in a meeting and she stated she would get with me. The follow up never happened even though I called again and wrote her an email on August 5<sup>th</sup>, 2015.

I have provided the board copies of relevant correspondence between parties involved with this issue and some photos taken this weekend that give you an idea of where this obstacle is in relationship to the runway at Redlands airport.

We have seen some activity recently by the property owner to remove some of the material. If that is being done as a result of your code enforcement divisions actions, thank you. Unfortunately the manner the material is being removed is not very airport friendly. The property owner has set up a material sorting plant on the toe of the obstacle slope at the closest location to approaching aircraft. Also, the property owner is not removing the obstacle with urgency. Its removal instead appears to be tied to his ability to sell the stockpile material. The property owner has no regard for the impact of his dirt stockpile pile to pilots operating out of the airport. If he did, I wouldn't be here.

We do not believe the owner has obtained FAA or Cal Trans approval of the location and operation of their sorting plant. They would not permit that material sorting operation at that location. They do have flags on their equipment but there aren't any lights at night. Vehicles are also left on the slope when work is not being performed.

Our association has shared our concerns with the City of Redlands since I have not had any luck communicating with your code enforcement staff. Our contacts at the City have recently shared that they too are not having any luck in getting county staff to

resolve the situation. So, we are asking for the board's assistance to get the proper focus on removing this hazard.

I am requesting the assistance of the board to facilitate a meeting between County staff involved, the staff involved at the city of Redlands and some members of our airport community to address the concerns on how and when this material will be removed. I am available to answer any questions from the board. Thank you for your time.

***Ingrid Biglow's Public Comment @ County of San Bernardino Board of Supervisors Meeting June 14, 2016***

Good Morning Chairman Ramos and Members of the County Board of Supervisors: My name is Ingrid Biglow and I'm a member of the Redlands Airport Advisory Board. I'm here today to ask for your assistance to move a mountain, in other words find a solution to move thousands of Cu feet of dirt, the residual dirt from the CDWR Citrus Reservoir on Opal Ave and San Bernardino Ave in Mentone. We have been told that this dirt was stored on privately owned property under a temporary use permit that has expired in 2014.

We, from the airport community in Redlands are affected by this obstacle to aircraft using our airport. Mr. Ted Gablin and I are here today to bring this matter to your attention.

We have exhausted our efforts to be heard. The Citrus Reservoir project began over 7 years ago. The City of Redlands on more than one occasion has asked your personnel in writing to get the obstacle removed. But they also have told us the dirt is out of their jurisdiction because the site is in the County.

We have contacted the CDWR but have gained NO direction and NO progress from their Sacramento staff. Two engineers showed up at an Airport Advisory Board Meeting and essentially washed their hands of the matter. They simply told us that their contractor had legally sold the dirt to a private party and they had no responsibility, obligation or rights to remove the dirt from the site.

Your County Land Use Services Department permitted this stockpile under a temporary use permit. It expired and after many letters from the city of Redlands, CalTrans and the Redlands Airport Association they turned the matter over to your code enforcement department. There appears to be some activity on the site recently to sell the excavation but the obstacle has actually increased in size at its closest location to the airport.

This dirt pile has a history of excuses from the government agencies involved. This obstacle penetrates the required FAA 20:1 approach slope to runway 26 and it is not lit at night either. This obstacle is a severe SAFETY risk to pilots.

This dirt pile is long over-due for removal. San Bernardino County has agreed to the Redlands Airport Land Use Compatibility plan for Redlands airport that was developed to prevent these types of issues. We ask for your assistance to direct your staff to seek its removal by whatever means necessary and as soon as possible before we have an incident that results in loss of human life. Thank you for your time.

## San Bernardino County Letters to Property Owner

### LAND USE SERVICES DEPARTMENT

#### PLANNING DIVISION

385 North Arrowhead Avenue-San Bernardino, CA 92415  
(909) 387-4297 Fax (909) 387-3223  
<http://www.sbcounty.gov/landuseservices>



COUNTY OF SAN BERNARDINO

CHRISTINE KELLY  
Director

October 11, 2012

Effective Date: October 22, 2012  
Expiration Date: October 22, 2013

Jeff Geist  
Ames Construction  
391 North Main Street, # 111  
Corona, CA 92880

Dave Mlynarski  
Translech  
413 Mackay Drive  
San Bernardino, CA 92408

Re: Temporary Use Permit to Establish a Soil Stockpile of up to 650,000 cubic yards from the adjacent State Department of Water Resources East Branch Water Pipeline Extension Project- Opal Avenue at Carlsbad Avenue – Northeast Corner- APN: 0297-122-15; P201200310

Dear Mr. Geist and Mr. Mlynarski:

Please be advised that the application for the Temporary Use Permit (TUP) described above has received **conditional approval** by the San Bernardino County Land Use Services Department, subject to your compliance with the enclosed Conditions of Approval. The proposed operation is to allow for the stockpiling of up to 650,000 cubic yards of soil from the adjacent State Department of Water Resources East Branch Water Pipeline Extension Project. This conditional approval shall be valid for a period of one (1) year.


This development constitutes a minor disturbance and is allowed subject to the provisions of the Development Code, Chapter 84.25 (Temporary Structures and Uses). Therefore, the project has been approved by staff without the requirement of a public hearing.

Please be aware that all temporary structures and related improvements shall be completely removed from the subject site following expiration of the TUP (see expiration date above and in the conditions of approval). Any modifications and/or alterations to this project will require the submittal of a new application and approval prior to modifications being implemented. Periodic inspections as deemed necessary shall be made by staff of interested County Departments in order to ensure compliance with the Conditions of Approval.

Pursuant to Section 86.08.010 of the San Bernardino County Development Code, any interested person may, within ten (10) days after the date of this decision, appeal in writing to the Planning Commission for consideration thereof. The appeal, together with the appropriate fee, must be made in writing on forms available from the Public Information Counter.

If you have any questions or concerns regarding this matter, please contact me by mail at the above address, by telephone at (909) 387-4122 or by e-mail at [david.prusch@lus.sbcounty.gov](mailto:david.prusch@lus.sbcounty.gov).

Sincerely,

  
Dave Prusch Supervising Planner  
Planning Division

Enclosure: Conditions of Approval for TUP

GREGORY C. DEVEREAUX  
Chief Executive Officer

Board of Supervisors  
BRAD MITZELFELT ..... First District  
JANICE RUTHERFORD ..... Second District  
JOSIE GONZALES ..... Fifth District  
NEIL DERRY ..... Third District  
GARY C. OVITT ..... Fourth District

APN: 0297-122-15  
P 201200310  
Ames Construction, Inc.

CONDITIONS OF APPROVAL

EFFECTIVE DATE: October 22, 2012  
EXPIRATION DATE: October 22, 2013

TEMPORARY USE PERMIT

ONGOING CONDITIONS OF OPERATION:

LAND USE SERVICES/PLANNING DIVISION (909) 387-4237

1. The following conditions of approval apply to a Temporary Use Permit (TUP) to establish two temporary stockpiles of soil, of up to 650,000 cubic yards maximum of material from the adjacent property on which the State Department of Water Resources – East Branch Extension Phase II Project – Citrus Reservoir Basin and Pump Station is being constructed. The approval of this project is based upon the County Development Code, Chapter 85.15 regarding Temporary Use Permits. Any alteration or expansion of this project or increase in the developed area of the site from that shown on the approved Site Plan may require submission of an additional application for review and approval.
2. An extension of time to the expiration date (listed above or as otherwise extended) may be granted for an additional twelve (12) month period beyond the current expiration date. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification for the request and a plan of action for completion. The Extension of Time application shall be submitted, with the appropriate fee, not less than 30 days prior to the expiration date.
3. This conditional approval shall be valid for a period of one (1) year or at completion of the associated stockpile project, whichever occurs first. Should the stockpiles not be eliminated by the termination date of this TUP, and the location of the stockpiles returned to their pre-stockpile condition, the applicant would be responsible for applying for an Extension of Time to this TUP, not less than 30 day prior to the expiration date of the TUP.
4. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "Indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its Indemnities to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the

APN: 0297-122-15  
P 201200310  
Ames Construction, Inc.

CONDITIONS OF APPROVAL

EFFECTIVE DATE: October 22, 2012  
EXPIRATION DATE: October 22, 2013

County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney's fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5. All conditions of this Temporary Use Permit are continuing conditions. Failure of the applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
6. The applicant shall ascertain and comply with requirements of all Federal, State, County and Local Agencies as are applicable to the proposed use and the project area. They may include, but are not limited to: 1) State: Caltrans; Fire Marshal; South Coast Air Quality Management District; 2) County: Department of Public Health; Environmental Health Services Division; Local Enforcement Agency (LEA); Department of Land Use Services, Divisions of Building & Safety and Code Enforcement; Department of Public Works; Flood Control District; Fire Department.
7. If any County enforcement activities are required to enforce compliance with the TUP conditions of approval, the applicant and/or property owner shall be charged for such enforcement activities in accordance with the San Bernardino County Code Schedule of Fees.
8. The procedures and requirements in Chapter 86.06 (Time Limitations) and those related to appeals and revocation in Division 6 (Development Code Administration) shall apply following the TUP approval.
9. All temporary fencing and structures shall be maintained regularly by the applicant and/or property owner, so that all facets of the development are kept in continual good repair, including but not limited to the removal of graffiti. All trash and storage areas, loading areas, and mechanical equipment shall be screened from public view. The property shall be maintained so that it is secure from unlawful trespassing and is not dangerous to the health and welfare of the adjacent land uses and surrounding properties.

APN: 0297-122-15  
P 201200310  
Ames Construction, Inc.

CONDITIONS OF APPROVAL

EFFECTIVE DATE: October 22, 2012  
EXPIRATION DATE: October 22, 2013

10. All on-site "No Trespassing" or other "Posted Area" signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.
11. The access gate to the site shall remain unobstructed at all times during permitted work hours. The gate shall be locked and the site secured outside of working hours.
12. Parking and on-site circulation requirements shall be maintained in good condition at all times.
13. Any sign must be applied for, permitted, and registered per the Sign Regulations found in Chapter 83.13 of the San Bernardino County Development Code, Section 83.13.030. Such sign(s) shall be erected in conformance with the provisions of the San Bernardino County Code. All signs and their components shall be regularly maintained and kept in good repair and appearance.
14. All lighting on-site shall reflect away from public thoroughfares and any adjacent residences and shall comply with the County's Development Code, Section 83.07 (Glare and Outdoor Lighting).
15. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, Call DEHS at (909) 387-4677.
16. The operator shall ensure that all equipment (stationary and mobile) is maintained and tuned according to manufacturer's specifications.
17. The applicant/operator shall maintain the site free of ponding water to avoid vector breeding.
18. At the time of termination of the operation for any reason, all equipment, building, structures, stockpiles and refuse associated with the operation shall be removed from the site, and all hazards mitigated.
19. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
20. Prior to expiration date of the TUP, the property owner shall file a Conditional Use Permit (CUP), and/or any other land use application with the Planning Division, as deemed appropriate, for the permitting of any proposed or existing on-permitted land uses on the project site.
21. The project site is located within Compatibility Zones A and B1 of the Redlands Municipal Airport Comprehensive Land Use Plan (ACLUP). The applicant shall



APN: 0297-122-15      CONDITIONS OF APPROVAL  
P 201200310  
Ames Construction, Inc.

EFFECTIVE DATE: October 22, 2012  
EXPIRATION DATE: October 22, 2013

submit Form 7460-1 to the Federal Aviation Administration (FAA) to ascertain if any conditions or mitigations are required by the FAA, prior to initiating the stockpiling operation.

22. All construction activities shall comply with County noise standards (San Bernardino County Code 83.01.080). All grading activities shall be limited to 7 am to 7 pm, excluding Sundays and National Holidays. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from the nearest sensitive noise receptors.
23. Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
24. During high wind conditions (speeds in excess of 25 mph), soil stockpiles shall be watered hourly.
25. All trucks hauling dirt away from the site shall be covered.
26. If visible dirt track-out occurs, paved access drives and affected streets shall be washed and swept daily.

PUBLIC WORKS DEPARTMENT/TRAFFIC DIVISION (909) 387-8186

27. Clear corner site distance shall remain at all driveway and intersection locations
28. A Department of Public Works permit is required for any oversized loads using and street/road within the County Maintained Road System.
29. Any changes to the haul route which include the County Maintained Road System will require a construction management plan to be reviewed and approved by the Department of Public Works. If the County Maintained road System will be used as a haul route, then the developer shall enter into a maintenance agreement with the Department of Public Works to insure all County maintained roads utilized by construction traffic shall remain in acceptable condition during construction. If the County Maintained Road System will be used as a haul route than the developer shall assure that all County maintained roads affected by the project during construction shall be restored to pre-construction condition. Please contact the County Department of Public Works, Transportation Operations Division at (909) 387 – 7995 for inspection prior to occupancy.

PUBLIC WORKS DEPARTMENT/SURVEYOR (909) 387-8149

30. If any activity on this project will disturb any land survey monumentation including but not limited to vertical control points (benchmarks), said monumentation shall be

APN: 0297-122-15      CONDITIONS OF APPROVAL  
P 201200310  
Ames Construction, Inc.

EFFECTIVE DATE: October 22, 2012  
EXPIRATION DATE: October 22, 2013

located and reference by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation. A corner record or survey of the references shall be filed with the County Surveyor (section 8771 (b) Business and Professions Code).

31. A Record of Survey per Section 8762 of the Business and Professions Code is required due to the grading plan showing bearings and distances which are not of record and to facilitate the location of the property lines for the proposed drainage swales and fill keys.

END OF CONDITIONS

## LAND USE SERVICES DEPARTMENT

BUILDING & SAFETY • CODE ENFORCEMENT • FIRE HAZARD ABATEMENT  
LAND DEVELOPMENT • PLANNING

- 385 N. Arrowhead Avenue, First Floor • San Bernardino, CA 92415-0187  
(909) 387-8311 Fax (909) 387-3249
- 15900 Smoke Tree Street, First Floor • Hesperia, CA 92345  
(760) 995-8140 Fax (760) 995-8167



COUNTY OF SAN BERNARDINO

TOM HUDSON  
Director

June 20, 2014

New Expiration Date: June 20, 2015

Ames Construction, Inc.  
9333 East Hartford Drive  
Scottsdale, AZ 85255

Aspects, Inc.  
Attention: Dave Mlynarski  
9441 Opal Avenue  
Mentone, CA 92359

**RE: TWELVE MONTH EXTENSION OF TIME REQUEST FOR A TEMPORARY USE PERMIT TO STOCKPILE UP TO 650,000 CUBIC YARDS OF MATERIAL FROM THE ADJACENT PROPERTY RELATIVE TO THE STATE DEPARTMENT OF WATER RESOURCES REAST BRANCH WATER PIPELINE EXTENSION PROJECT. APN: 0297-122-15. P201300425**

Dear Applicant:

The Planning Division has completed the review of your extension of time application. After researching information relative to the original project, the requested extension of time to complete and finalize the removal of the soil stockpile project described above, is for an additional 12 months in accordance with the County Development Code subsection 86.06.060 (b). The new expiration date is June 20, 2015. The original findings for project approval are hereby incorporated by reference as the findings for approval of the extension.

Unless otherwise provided by law or by development agreement, any future development must adhere to and comply with all current construction standards (i.e., California Building Code, Green Building Code, Uniform Fire Code), State law requirements (i.e., State Model Water Efficient Landscape Ordinance), and any current fees (i.e., Transportation Fees), in effect at the time of permitting.

Any construction under permit at the time this extension expires may continue to completion, provided the building permits are maintained as active and valid. The applicant must submit a Revision to an Approved Action application and the required fees for any proposed changes, expansions, or revisions to the originally approved project. The Planning Division will review any such revision.

Should you have any questions, please contact me at [David.Prusch@lus.sbcounty.gov](mailto:David.Prusch@lus.sbcounty.gov) or (909) 387-4122.

Sincerely,

Dave Prusch  
Supervising Planner

DP/cks

GREGORY C. DEVEREAUX  
Chief Executive Officer

Board of Supervisors  
ROBERT A. LOVINGOOD, First District  
JANICE RUTHERFORD, Chair, Second District  
JESSIE GONZALES, Fifth District  
JAMES R. MCOS, Third District  
GARY C. CAVITT, Vice Chair, Fourth District

**THE LAW OFFICES OF CHARISSE L. SMITH**

9620 CENTER AVENUE, SUITE 130  
RANCHO CUCAMONGA, CALIFORNIA 91730

PHONE: (909) 257-0650  
FAX: (909) 257-0649

CHARISSE L. SMITH  
CSMITH@CLSMITHLAW.COM

Case No. 022.1050.5.16

June 23, 2016

**BY CERTIFIED MAIL RETURN RECEIPT REQUESTED AND U.S. MAIL**

Aspects Inc.  
c/o Ralf G. Zacky  
Agent for Service of Process  
9441 Opal Avenue  
Mentone, CA 92359

Jeff Geist  
Ames Construction  
391 North Main Street, #111  
Corona, CA 92880

Dave Mlynarski  
Transtech Engineers  
413 W. Mackay Drive  
San Bernardino, CA 92408

Re: EXPIRATION of Temporary Use Permit P201200310 ("TUP")  
LOCATION: Opal Avenue at Carlsbad Avenue – Northeast Corner – APN: 0297-122-15  
("Subject Property")

Dear Messrs. Zacky, Geist, and Mlynarski:

This office serves as special counsel for the County of San Bernardino (the "County"). In such capacity I have been authorized and directed to write this letter regarding the Subject Property and expired TUP. Our records reflect that Aspects Inc., Mr. Zacky, is the Owner of the Subject Property ("Owner") and that Ames Construction, Inc. and Transtech Engineers, Inc. obtained a TUP in 2012. The TUP allowed for the temporary stockpile of soil up to 650,000 cubic yards from the adjacent State Department of Water Resources East Branch Water Pipeline Extension Project.

As you are aware, the effective date of the TUP was October 22, 2012, and the initial expiration date was October 22, 2013. On or about June 20, 2014, the County granted a twelve month extension of time to complete and finalize the removal of the soil stockpile project described in the TUP, making the new expiration date June 20, 2015. No further extensions of the TUP have been granted. While the County is aware of and appreciates the recent activity that has resulted in reducing the volume of the most northern stockpile, the County continues to receive complaints about the ongoing presence of the stockpiles at the Subject Property after the expiration of the TUP, with, quite frankly, only minimal visible progress towards the elimination of the stockpiles.

This letter is to put you on notice that your failure to remove the soil stockpiles in accordance with the TUP and subsequent extension, violate the County of San Bernardino Municipal Code. You no longer have permission from the County to stockpile the soil at this location, and the County has asked this office to pursue the various options available to the County, including, but not limited to criminal prosecution, civil prosecution, and the appointment of a receiver to eliminate the soil. In order to avoid such action by

the County, you must **respond in writing to this letter within 15 days** and provide my office with a detailed proposed plan, with definitive timelines to immediately remove the stockpiles in an ongoing manner that is measured and clearly visible, i.e., in a manner that is – considering the circumstances – as timely and as businesslike as possible. The proposed plan should begin with removal of the soil stockpile adjacent to the Redlands Municipal Airport. Finally, your proposal should be informed by the fact that the time frames for the removal of the stockpiles proposed by Mr. Mlynarski via e-mail to Ms. Hernandez on June 22, 2016, are unacceptable to the County.

In the event we do not hear from you, we will take the necessary steps to ensure removal of the soil stockpiles in a timely and professional manner via Court order. If you have any questions regarding this letter, please contact me at (909) 257-0650. We look forward to working with you to get this matter resolved in a timely and professional manner.

Sincerely,

  
Charisse L. Smith

Enclosures:

Expired TUP and Extension

cc via electronic mail:

Willis A. Wingert, Code Enforcement Chief, LUSD, Code Enforcement Division  
Julie Hernandez, Deputy Chief of Code Enforcement  
Bart Brizzee, Deputy County Counsel

Certified Mail No. 7016 0750 0000 4641 5361 (Aspects)  
Certified Mail No. 7016 0750 0000 4641 5378 (Ames)  
Certified Mail No. 7016 0750 0000 4641 5354 (Transtech)

***Emails Communications RAA and Chief Wingert San Bernardino County***

**From:** Ted Gablin [<mailto:gablinc@msn.com>]  
**Sent:** Tuesday, August 02, 2016 8:44 AM  
**To:** Wingert, Andy  
**Cc:** Paule, Philip; [redlands.airport.association@gmail.com](mailto:redlands.airport.association@gmail.com)  
**Subject:** Status of Dirt Stockpile Obstacle East Of Redlands Airport ?

Chief Wingert,

It's been almost a month since we last discussed the County's efforts to get the dirt stockpile removed on the easterly approach to Redlands airport. Since we had our discussion we have seen considerable activity, but it is a big pile of dirt and it's going to take a while. This is especially true since the material is being sorted prior to removal.

We have not seen any effort by the site contractor to relocate the sorting operation from the closest area to the runway approach. Equipment, piles of sorted stockpile material and machinery are in the closest location to the aircraft approaching runway 26 at Redlands airport. The site contractors will not be able to restore this area to pre-existing grade until they move the sorting operation to another location on the property. There does appear to be room now to relocate this sorting operation to another location on the property. I have attached a photo I took yesterday from the end of runway 26 looking east which shows this area.

I know this has been a challenge for all. We do appreciate the efforts the county has made to get the pile removed. Can you please provide any status updates on code enforcements efforts to remove the stockpile since we last talked?

Sincerely  
Ted Gablin  
Redlands Airport Association

**From:** Wingert, Andy [<mailto:Andy.Wingert@lus.sbcounty.gov>]  
**Sent:** Thursday, August 04, 2016 11:31 AM  
**To:** Ted Gablin  
**Subject:** RE: Status of Dirt Stockpile Obstacle East Of Redlands Airport ?

Good morning Mr. Gablin –

My apologies for not responding sooner. I have been out of the office for most of the past two days.

Since our last conversation we have reached out to Cal Trans through our attorney. I will make certain that whatever position Cal Trans takes is informed by current photographs of the soil sorting operation.

There is also someone in our Department that I believe might be able to offer a fairly expert opinion about how the sorting operation is staged so that it occurs in the fastest possible manner. I will try and have that person accompany me to the site within the next two to three days.

I was at the site earlier this week and am generally encouraged by what I saw. Specifically, it seems clear that overall size of the northern stockpile is being reduced in a steady, measured fashion, and that clear progress has been made in recent months. As with my last visit to the site, I witnessed two semi-trucks come to the site to have material loaded onto attached trailers for the purpose of removing material from the site. (The last time I was there I witnessed two trucks leaving the site, driving south bound on Opal).

Respectfully

Please take a moment to complete our 1 Minute Satisfaction Survey

[https://www.surveymonkey.com/r/LUS\\_Email](https://www.surveymonkey.com/r/LUS_Email)

**Andy Wingert**

Code Enforcement Chief

***Land Use Services Department***

Phone: 909-387-8178

Fax: 909-387-8217

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor

San Bernardino, CA 92415-0187



***Our job is to create a county in which those who reside and invest can prosper and achieve well-being.***

**[www.SBCounty.gov](http://www.SBCounty.gov)**

*County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the*

**From:** Ted Gablin [<mailto:gablinc@msn.com>]  
**Sent:** Sunday, August 14, 2016 12:01 PM  
**To:** Wingert, Andy  
**Cc:** Paule, Philip  
**Subject:** Status of Dirt Stockpile Obstacle East Of Redlands Airport

Chief Wingert,

Just wanted to give you an update on stockpile removal progress. Attached is a picture taken today, 8-14 -16. It gives you a good feel for the amount of material that has been removed from one of the stockpiles. They are making some progress.

That said, we are looking forward to the site contractor relocating their equipment, piles of sorted stockpile material and machinery from the closest location to the aircraft approaching runway 26 at Redlands airport. As stated before this will be necessary for the site contractor to restore this area to pre-existing grade and reduce the hazard to aircraft.

Thanks for your attention to this matter.

Sincerely  
Ted Gablin  
Redlands Airport Association

**From:** Wingert, Andy [<mailto:Andy.Wingert@lus.sbcounty.gov>]  
**Sent:** Monday, August 15, 2016 11:08 AM  
**To:** Ted Gablin <[gablinc@msn.com](mailto:gablinc@msn.com)>  
**Cc:** Paule, Philip <[Philip.Paule@bos.sbcounty.gov](mailto:Philip.Paule@bos.sbcounty.gov)>  
**Subject:** RE: Status of Dirt Stockpile Obstacle East Of Redlands Airport

Mr. Gablin –

Thank you for the photograph. It is very useful.

I should be able to communicate the findings of Cal Trans to you within the next few days.

Please take a moment to complete our 1 Minute Satisfaction Survey

[https://www.surveymonkey.com/r/LUS\\_Email](https://www.surveymonkey.com/r/LUS_Email)

**Andy Wingert**

Code Enforcement Chief

***Land Use Services Department***

Phone: 909-387-8178



Fax: 909-387-8217  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0187

----- Forwarded message -----

From: **Redlands Airport Association** <[redlands.airport.association@gmail.com](mailto:redlands.airport.association@gmail.com)>  
Date: Tue, Aug 16, 2016 at 8:21 AM  
Subject: Serious Safety Issue at Airport This Morning  
To: Christopher Boatman <[cboatman@cityofredlands.org](mailto:cboatman@cityofredlands.org)>, Will Hamilton  
<[whamilton@cityofredlands.org](mailto:whamilton@cityofredlands.org)>, Aaron Evans <[aevans@cityofredlands.org](mailto:aevans@cityofredlands.org)>

The property owner east of the airport has been removing material from the stockpile very aggressively since Ingrid and I spoke at the Board of Supervisors meeting. That's good news.

The bad news is that the work is being done without regard to aircraft operations. I have been complaining to Andy Wingert, Chief of their code enforcement about that. I'm not sure if he's listening to me though.

I got a call from a flight instructor this morning. They had to curtail instruction this morning because of poor visibility (less than visual flight rules). The contractor removing dirt from the stockpile is not employing any dust control (watering). A dust cloud obscured the approach path to the runway. See photos. This is extremely hazardous.

I will follow up this morning with my contacts at the County, but I think it would carry more weight if the City of Redlands made the complaint. The County would probably be more likely to respond.

Please call if you have questions.

Ted Gablin  
[909-557-5292](tel:909-557-5292)