

**SUBMITTAL TO THE FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT BOARD  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

829B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
October 21, 2008

**SUBJECT:** San Jacinto River  
Project No. 4 -0-0020  
License Agreement

**RECOMMENDED MOTION:**

1. Adopt the attached CEQA Findings/Statement of Overriding Considerations which is Attachment 'A' to the subject Notice of Determination; and
2. Approve the License Agreement between the District and the Eastern Municipal Water District (EMWD); and authorize the Chairman to execute the Agreement documents on behalf of the District;
3. Direct the Clerk of the Board to file the Notice of Determination.

**BACKGROUND:**

See Page 2

AAM:bjl

*Steve Thomas*  
FOR **WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Alex Gann*  
**Alex Gann**

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: *[Signature]* 9/23/08  
DATE  
JOE S. RANK

Departmental Concurrence

Dep't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

Prev. Aan. Ref.:

District: 3<sup>rd</sup>

Agenda Number:

11.2

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**SUBJECT:** San Jacinto River  
Project No. 4-0-0020  
License Agreement

**SUBMITTAL DATE:** October 21, 2008  
Page 2

**BACKGROUND:**

The Agreement sets forth the terms and conditions under which District will allow EMWD to construct, operate and maintain a series of basins for groundwater recharge in the San Jacinto River. EMWD has executed the Agreement and County Counsel has approved the Agreement as to legal form.

Pursuant to the California Environmental Quality Act (CEQA), EMWD has certified the Final Environmental Impact Report for the groundwater recharge basins and adopted certain environmental findings and a statement of overriding considerations in connection therewith. District staff has reviewed findings and concurs that the proposed recharge basins will result in potentially significant unavoidable impacts upon nitrogen oxides (NOx) air pollutant emissions during construction, short-term construction noise, and potentially significant incremental contributions to cumulative biological and air quality impacts.

District staff concurs with EMWD that there are no feasible mitigation measures or alternatives available to EMWD that would avoid or reduce potential direct and cumulative impacts to air quality and biological resources and that the project's benefits outweigh the significant unavoidable impacts. EMWD states that the project and associated components would offset the existing groundwater overdraft in the area, provide approximately 15,000 acre-feet per year of water storage, and provide as much as 45,000 acre-feet (over four years) of conjunctive use/drought management water storage in support of the CALFED Bay-Delta Program.

Pursuant to the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), the District submitted the proposed project to the Western Riverside County Regional Conservation Authority (RCA), U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department) for review. The proposed project is located within MSHCP conservation areas (Proposed Core 5), and would impact Riparian/Riverine Habitat and occupied San Bernardino Kangaroo Rat (SBKR) Habitat. EMWD obtained a Federal Endangered Species Act Biological Opinion and SBKR take authorization directly from the Service, therefore incidental take coverage through the MSHCP is not required. EMWD proposed to offset the project's impacts through the conservation and management of approximately 116 acres of the San Jacinto River. In a letter dated July 3, 2007, the RCA determined that the proposed project is consistent with both the Criteria and other MSHCP requirements. In a letter dated July 10, 2007, the Service and Department state that while EMWD has obtained SBKR take authorization, the proposed project will result in a net loss of occupied SBKR habitat that serves to sustain the San Jacinto River SBKR population. The Service/Department believe that this loss was not anticipated in the MSHCP and is not consistent with the Conservation Area identified in the MSHCP or the other species-specific objectives for SBKR. While the Service/Department has no objection to the EMWD project moving forward, they believe that a change in the overall MSHCP conservation strategy for SBKR needs to be addressed by the RCA and Service/Department.

**FINANCIAL:**

EMWD is funding all construction and construction inspection costs. Future operation and maintenance costs will accrue to EMWD.

AAM:blj

To: X Office of Planning and Research  
P.O. Box 3044, 1400 Tenth Street, Room 222  
Sacramento, CA 95812-3044

From: Riverside County Flood Control  
1995 Market Street  
Riverside, CA 92501

X County Clerk  
County of Riverside  
2724 Gateway Drive  
Riverside, CA 92507

**Subject:**

**Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code.**

**Project Title**

License Agreement for the Eastern Municipal Water District's San Jacinto River groundwater recharge basins

2003121068  
State Clearinghouse Number  
(If submitted to Clearinghouse)

Teresa Tung  
Responsible Agency  
Contact Person

951.955.1233  
Area Code/Telephone/Extension

**Project Location (include county)**

The proposed project is located within the San Jacinto River near the city of San Jacinto in central Riverside County. Township 5 South, Range 1 East, near Section 31, SBBM

**Project Description:**

Approval of a License Agreement that allows the Eastern Municipal Water District (EMWD) to construct, operate, and maintain a series of basins for groundwater recharge in the San Jacinto River. Pursuant to CEQA, the EMWD assumed the Lead Agency role and on August 4, 2004 adopted a Final Environmental Impact Report (FEIR) for the Hemet/San Jacinto Integrated Recharge and Recovery Program.

This is to advise that the Riverside County Flood Control and Water Conservation District has considered the FEIR and

       Lead Agency X Responsible Agency  
approved the above described project on October 21, 2008 and has made the following determinations regarding the above described project:

1. The project will have a significant effect on the environment. See Attachment 'A'
2. A Final Environmental Impact Report has been adopted by the Lead Agency.
3. Mitigation Measures were made a condition of the approval of the project. See Attachment 'A'
4. A statement of Overriding Considerations was adopted for this project. See Attachment 'A'.
5. Findings were made pursuant to the provisions of CEQA. See attachment 'A'

This is to certify that the record of project approval is available to the General Public at:

The Office of Clerk of the Board, County Administrative Center, 4080 Lemon Street, Riverside, CA 92501

\_\_\_\_\_  
Signature (Public Agency)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

Date received for filing at OPR:  
*Revised January 2001*

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

**CEQA Notice of Determination  
Attachment 'A'**

License Agreement for the Eastern Municipal Water District's San Jacinto River groundwater recharge basins

**Potential Significant Impacts**

The proposed Project (groundwater recharge basins) will result in potential significant impacts to Hydrology, Water Quality, Geology and Soils, Biological Resources, Noise, Air Quality, Cultural Resources, Transportation, and Hazards/Hazardous Materials. Some of these impacts are related to project components that are not subject to the District's approval. To ensure that the potential impacts remain less than significant, all the applicable mitigation measures from EMWD's Hemet/San Jacinto Integrated Recharge and Recovery Program Findings of Fact and Statement of Overriding Considerations, dated August 2004, shall be incorporated into the proposed project.

**Significant Unavoidable Impacts**

The CEQA Lead Agency (i.e. EMWD) determined that the Hemet/San Jacinto Integrated Recharge and Recovery Program (Program) would have significant unmitigated adverse impacts to; 1) temporary air quality impacts related to nitrogen oxides (NOx) emissions during construction; 2) short-term construction noise impacts associated with monitoring and extraction well construction; 3) incremental contributions to significant cumulative impacts for biological and air quality resources. The District's approval is limited to the portions of the Program associated with project components located within existing District facilities. Thus, the significant adverse impacts related to the District's approval are of a smaller scale than those of the overall Program. Nonetheless, the proposed project components subject to the District's approval have the potential to result in the significant unmitigated adverse impacts described above.

**Findings/Statement of Overriding Considerations**

Section 15091 of the CEQA Guidelines requires the lead agency to make one or more written findings for each significant impact. Section 15093 of the CEQA Guidelines requires the lead agency to balance the benefits of a proposed project against its unavoidable significant impacts, and to determine whether the project related significant impacts are overridden by the project benefits. Section 15096 of the Guidelines requires a CEQA Responsible Agency to make its own determinations regarding significant impacts. As previously stated, the proposed project will have significant unavoidable Noise, Air Quality and cumulative Air Quality and Biological impacts. The District finds that there are no feasible mitigation measures or alternatives available to the District that would avoid or reduce the previously described potential adverse impacts. The District also finds that the project's benefits outweigh the previously described potentially significant unavoidable impacts. The proposed project would 1) offset the existing groundwater overdraft in the area, 2) provide approximately 15,000 acre-feet per year of water storage, provide as much as 45,000 acre-feet (over four years) of conjunctive use/drought management water storage in support of the CALFED Bay-Delta Program. The EMWD's Final EIR (SCH No. 2003121068) and the Findings of Fact and Statement of Overriding Considerations, dated August 2004, are hereby incorporated by reference.