



SUBMITTAL TO THE BOARD OF DIRECTORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



150A

FROM: Regional Park & Open-Space District

SUBMITTAL DATE: 6/4/09

SUBJECT: Resolution 2009-3 Considering the Final Environmental Impact Report and Making Responsible Agency Findings Pursuant to CEQA, Adoption of Mitigation Monitoring and Reporting Plan, and Statement of Overriding Considerations for the El Casco System Project and Approval of the Lease Agreement to be entered into with Southern California Edison Company for a Portion of APN 413-180-010

RECOMMENDED MOTION: that the Board:

- 1) Adopts Resolution 2009-3 "A Resolution by the County of Riverside Regional Park and Open-Space District Considering the Final Environmental Impact Report prepared for the El Casco System Project Certified by the California Public Utilities Commission Pursuant to the California Environmental Quality Act, adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program" (Exhibit A);
2) Finds that the Public/Quasi-Public replacement acreage, as required by the Western Riverside County Multi Species Habitat Conservation Plan, is biologically equivalent or superior to the premises to be leased;
3) Approves the Lease between the Regional Park and Open-Space District (Park District) and Southern California Edison Company for a portion of APN 413-180-010; and authorizes the Chairman of the Board of Directors to execute the Statement of Overriding Considerations Lease documents on behalf of the Park District; and
4) Directs the Clerk of the Board to file the Notice of Determination. (continued on page 2)

712-El Casco Resolution 2009-3
TN/CQ/mg

Scott Bangla, General Manager

Table with 3 columns: FINANCIAL DATA n/a, Current F.Y. Total Cost, Current F.Y. Net County Cost, Annual Net County Cost, In Current Year Budget, Budget Adjustment, For Fiscal Year.

SOURCE OF FUNDS: Table with 2 columns: Positions To Be Deleted Per A-30, Requires 4/5 Vote.

C.E.O. RECOMMENDATION:

APPROVE

BY: Alex Gann
Alex Gann

County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL BY: TIFFANY N. NORTH DATE: 6/18/09

Departmental Concurrence

Dept't Recomm.: Policy [X] Consent [] Per Exec. Ofc.: Policy [X] Consent []

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COUNTY OF RIVERSIDE

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Background:

The Park District owns certain real property located in the unincorporated area of Oak Valley. The Park District agrees to lease to Southern California Edison Company (Lessee) a portion of APN 413-180-010, approximately 24.28 acres, for the purpose of constructing, operating and maintaining a new 220/115/12 kV substation (the proposed El Casco Substation). The lease sets forth the terms and conditions under which the Park District will allow the Lessee to construct, operate and maintain the substation.

The leased premises, APN 413-180-010, is located within a Criteria Area of the Multiple Species Habitat Conservation Plan (MSHCP), specifically Cell #662 located near the confluence where Proposed Linkage 12 meets Proposed Core 3 and is designated Public/Quasi-Public Land within the MSHCP. Southern California Edison (SCE) applied for Participating Special Entity (PSE) status pursuant to the MSHCP in order to obtain incidental take authorization and to mitigate impacts to biological resources associated with the proposed project. SCE paid the MSHCP habitat mitigation fees as well as contributed replacement land that is of equal or superior habitat value to the leased premises, APN 413-180-010. On January 19, 2009, SCE was given PSE status by the Regional Conservation Authority (RCA). On February 19, 2009, the U.S. Fish and Wildlife Service and the California Department of Fish and Game collectively referred to as the Wildlife Agencies, issued a concurrence with the RCA's determination and approved the Public/Quasi-Public replacement land. SCE was issued a Certificate of Inclusion on February 20, 2009.

Pursuant to the California Environmental Quality Act, the California Public Utilities Commission, as the lead agency, has prepared and certified the Final Environmental Impact Report for the entire El Casco System project. SCE has met all environmental requirements including CEQA, Public/Quasi Public (PQ/P) land exchange requirements, Water Quality Management Plan, Application for Coverage under R8-2009-0003 General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality and provisions of California Government Code Section 65402.

The Park District is a Responsible Agency for the project. As a responsible agency, the Park District must do the following in order to comply with the requirements of CEQA:

1. Consider the environmental effects of the project, as shown in the EIR, prior to reaching a decision on the project;
2. Consider project alternatives and mitigation measures identified in the EIR. The Park District may not approve the project as proposed if it finds any feasible mitigation measures or feasible project alternatives within its powers that would substantially lessen or avoid any significant environmental effects of the project;
3. Make one of three findings for each significant effect on the project; and
4. File a Notice of Determination.

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When considering alternatives and mitigation measures, a Responsible Agency is more limited than a Lead Agency. As a Responsible Agency, the Park District has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance or approve; specifically, the lease.

Park District staff has reviewed and considered the Final EIR evaluating the proposed El Casco System Project and finds that the Final EIR is an accurate and objective statement that fully complies with CEQA, State CEQA Guidelines, and the County's local CEQA Guidelines. Park District staff has determined that no new significant information as defined by the State CEQA Guidelines, section 15088.5 has been received by the County after circulation of the Draft EIR that would require recirculation.

As set forth in the Resolution, and as detailed in the findings and conclusions, the Park District has considered the Final EIR to be adequate for its purposes of approving SCE's request for a lease agreement: The entire El Casco System Project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the Final EIR and will require mitigation as set forth in Sections III, IV, and VI of the Resolution. Significant adverse impacts which cannot be mitigated to a level of insignificance after mitigation include cumulative impacts to traffic, air quality, and noise, as discussed in Section VI of the Resolution, as well as short-term and long-term air quality impacts as discussed in Section IV of the Resolution.

Financial:

The term of the lease is for twenty-five (25) years commencing on the execution date of the lease. Lessee has the option to negotiate a new lease agreement at the end of Lease term. Lessee agrees to pay to the Park District \$120,000 the initial year of the agreement. The annual lease payment will be adjusted annually by an amount not to exceed the rate of inflation as indicated by the change in Consumer Price Index (CPI) for the prior calendar year.

The office of County Counsel has reviewed and approved this document as to legal form.