

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

217B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
September 28, 2010

SUBJECT: Public Hearing for Day Creek – Frank Avenue Storm Drain
Project No. 2-0-00274

RECOMMENDED MOTION:

Adopt Resolution No. F2010-23 which

1. Finds that the Project will not have a significant adverse effect upon the environment and is in compliance with the Western Riverside County Multiple Species Habitat Conservation Plan;
2. Adopts a Mitigated Negative Declaration;
3. Approves the Project and authorizes the District to proceed with the Project; and
4. Directs the Clerk of the Board to deliver the Mitigated Negative Declaration and the Notice of Determination to the office of the County Clerk for filing within 5 working days of this Board hearing.

BACKGROUND:

The hearing is in accordance with the requirements for CEQA and Section 8 of the District Act.

Warren D. Williams

WARREN D. WILLIAMS
General Manager-Chief Engineer

HAE:cw
P8/132053

FINANCIAL DATA	Current F.Y. District Cost:	\$	In Current Year Budget:
	Current F.Y. County Cost:	\$	Budget Adjustment:
	Annual Net District Cost:	\$	For Fiscal Year:

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

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY: *Alex Gann*

Alex Gann

FORM APPROVED COUNTY COUNSEL
BY: *Karin L. Watts-Bazan* DATE: 7/26/10

Dept's Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 11.2 of 8/10/10 | District: 2nd | Agenda Number: **11.1**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2010-23
APPROVING DAY CREEK - FRANK AVENUE STORM DRAIN PROJECT

WHEREAS, on August 10, 2010, the Board adopted Resolution No. F2010-22 pursuant to Section 18 of the District Act giving notice of its intention to construct a project in Zone 2, within the unincorporated Mira Loma community of Riverside County, designated as Day Creek - Frank Avenue Storm Drain Project and giving further notice that the Project would be considered at a public hearing on September 28, 2010; and

WHEREAS, notice of the public hearing was properly made by publication and posting as required by law, and all persons desiring to be heard on the matter were given the opportunity to appear and present testimony, both oral and written; and

WHEREAS, all requirements of the California Environmental Quality Act and the District Rules to Implement the Act have been met and the General Manager-Chief Engineer of the District has found that the Project will not have a significant adverse effect upon the environment and has completed a Mitigated Negative Declaration; now, therefore,

BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on September 28, 2010 based upon the evidence and testimony presented on the matter, both written and oral, that:

1. The Project is **not** within the Criteria Area set forth in and established by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).
2. The Project is consistent with the Riparian/Riverine Area and Vernal Pool requirements of the MSHCP. Pursuant to Section 6.1.2 of the MSHCP, Riparian/Riverine areas are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby

FC APPROVED BY: *Karin L. Watts* DATE: 7/26/10
BY: KARIN L. WATTS
DATE: 7/26/10

1 properties within mapped survey areas. The survey area maps have been reviewed and the
2 Project is not within a mapped survey area. Therefore, no further surveys or conservation
3 measures are required.

4 6. The Project is consistent with the Pubic/Quasi-Public Land provisions
5 contained in Section 3.2.1 of the MSHCP. Section 3.2.1 describes lands within the MSHCP
6 conservation area including those designated as Public/Quasi-Public (PQP) lands. Section
7 3.2.1 states that if a Permittee elects to use property currently depicted as PQP Lands in a way
8 that alters the land use such that it would not contribute to Reserve Assembly, the Permittee
9 shall locate and acquire or otherwise encumber replacement acreage at a minimum ratio of 1:1.
10 The Permittee must make findings that the replacement acreage is biologically equivalent or
11 superior to the existing property. The Project has been reviewed and it has been determined the
12 Project does not occur within MSHCP-designated PQP conservation lands. Therefore, no
13 further analysis is required.

14 7. The project designated as Day Creek – Frank Avenue Storm Drain Project
15 is approved and the District is hereby authorized to proceed with the project.

16 8. The project will not have a significant adverse effect upon the environment
17 and a Mitigated Negative Declaration is adopted.

18 **BE IT FURTHER RESOLVED** that, within 5 working days of this Board
19 hearing, the Clerk of the Board is directed to deliver the adopted Mitigated Negative
20 Declaration and the Notice of Determination to the Office of the County Clerk and Recorder,
21 who are thereby directed to file same, all as required by law.
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