

**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* 7/26/10
DATE

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

Prev. Agn. Ref.: 11.2 of 8/10/10 | District: 2nd | Agenda Number: **11.7**

1
2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

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

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

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

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

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

- 21 1. The Project is **not** within the Criteria Area set forth in and established by
- 22 the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).
- 23 2. The Project is consistent with the Riparian/Riverine Area and Vernal Pool
- 24 requirements of the MSHCP. Pursuant to Section 6.1.2 of the MSHCP, Riparian/Riverine areas
- 25 are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent
- 26 mosses and lichens, which occur close to or which depend upon soil moisture from a nearby
- 27
- 28

FORM APPROVED BY: *Karin L. Watts* DATE: 7/26/10
BY: KARIN L. WATTS, CLERK

1 fresh water source, or areas with freshwater flow during all or a portion of the year. Vernal
2 Pools are seasonal wetlands that occur in depression areas that have wetlands indicators of all
3 three parameters (soils, vegetation, and hydrology) during the wetter portion of the growing
4 season. It has been determined that the Project area does not contain any vernal pools, nor does
5 it include Riparian/Riverine Areas as defined by the MSHCP. In addition, the proposed storm
6 drain alignment does not contain suitable habitat for least Bell's vireo, Southwestern Willow
7 Flycatcher, Yellow-breasted chat, or Yellow Warbler. Therefore, no further surveys or
8 conservation measures are required.
9

10 3. The Project is consistent with the Narrow Endemic Plant Species
11 requirements of the MSHCP. Pursuant to Section 6.1.3 of the MSHCP, habitat assessments
12 and/or focused surveys for certain narrow endemic plant species are required for properties
13 within mapped survey areas. The survey area maps have been reviewed and the Project is not
14 within a mapped survey area for Narrow Endemic Plant Species. Therefore, no further surveys
15 or conservation measures are required.
16

17 4. The Project is consistent with the Urban-Wildlands Interface requirements
18 of the MSHCP. Section 6.1.4 of the MSHCP presents guidelines to minimize indirect effects of
19 a project in proximity to the MSHCP Conservation Area. This section provides mitigation
20 measures for impacts associated with: Drainage, Toxics, Lighting, Noise, Invasives, Barriers,
21 and Grading/Land Development. The Project has been reviewed and it has been determined
22 the Project does not occur within or adjacent to the Criteria Area or MSHCP-designated
23 Public/Quasi-Public conservation lands. Therefore, no further analysis or implementation of
24 any conservation measures is required.
25

26 5. The Project is consistent with the Database Updates/Additional Surveys
27 requirements of the MSHCP. Pursuant to Section 6.3.2 of the MSHCP, habitat assessments
28 and/or focused surveys for certain additional plant and animal species are required for

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

15 7. The project designated as Day Creek – Frank Avenue Storm Drain Project
16 is approved and the District is hereby authorized to proceed with the project.
17

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

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

State Clearinghouse Number:	Contact Person:	Telephone Number:	Email:
None	Kris Flanigan	951.955.8581	kflaniga@rcflood.org


Lead Agency and Project Sponsor:
Riverside County Flood Control and Water Conservation District

Address:	City:	Zip:
1995 Market Street	Riverside	92501

Project Title and Description: Day Creek-Frank Avenue Storm Drain.
Day Creek-Frank Avenue Storm Drain includes the construction, operation and maintenance of approximately 1,100 lineal feet of 18 inch underground storm drain. The proposed project will be located within 65th Street and Frank Avenue. The project starts in Wineville Avenue at 65th Street and proceeds easterly for approximately 660 feet in 65th Street to Frank Avenue where it will turn north and continue for approximately 450 feet to an existing sump station. The project will be located entirely within existing street right of way. The construction will be managed by the District and the maintenance of this facility will be turned over to the County Transportation Department.

Project Location:
The proposed project is located within the unincorporated community of Mira Loma in Riverside County. The alignment for this project is generally bounded by Wineville Avenue to the west, Frank Avenue to the east, 64th Street to the north, and 65th Street to the south (please refer to the vicinity map and location map on Pages 3, 4 and 5). The proposed project is located within Township 6 South, Range 3 West, Section 29 of the Corona North, California 7.5 Minute USGS Quadrangle.

The General Manager-Chief Engineer of the Riverside County Flood Control and Water Conservation District has made a finding that the proposed Day Creek – Frank Avenue Storm Drain project will not have a significant adverse effect on the environment. An Initial Study/Environmental Assessment supporting this finding is attached. This finding will become final upon adoption of this Mitigated Negative Declaration by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District. For mitigation measures refer to attached Mitigation Monitoring Program Table.

Signature:  Dated: 9/14/10
WARREN D. WILLIAMS
General Manager-Chief Engineer

The Board of Supervisors of the Riverside County Flood Control and Water Conservation District, assembled in regular session on September 28, 2010, has determined that the Day Creek-Frank Avenue Storm Drain project will not have a significant adverse effect on the environment and has adopted this Mitigated Negative Declaration.

Signature: _____ Dated: _____
KECIA HARPER-IHEM
Clerk of the Board

Attachments
Copies to: 1) County Clerk
 2) Flood Control