

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

922B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
March 13, 2012

**SUBJECT:** Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90  
Project No. 6-0-00040-90  
District 4/District 4

**RECOMMENDED MOTION:**

1. Adopt Resolution No. F2012-03 which finds that the project will not have a significant adverse effect upon the environment and is in compliance with the Agua Caliente Reservation Tribal Habitat Conservation Plan;
2. Adopt a Mitigated Negative Declaration for the project based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment;
3. Approve the Project Final Design and authorize the District to proceed therewith; and
4. Direct the Clerk of the Board to deliver the Mitigated Negative Declaration and the Notice of Determination to the office of the County Clerk and the State Office of Planning and Research for filing within five (5) working days of this Board meeting.

**BACKGROUND:**

See Page 2.

**FINANCIAL:**

N/A

*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

**SOURCE OF FUNDS:** 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: *Michael R Shetler*  
**Michael R. Shetler**

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M Gunzel* 2-14-12  
DATE: \_\_\_\_\_  
SYNTHIA M. GUNZEL

Dep't Recomm.:  Policy  Policy

Consent  Consent  Consent

Per Exec. Ofc.:

**Prev. Agn. Ref.:**

**District:** 4<sup>th</sup>/4<sup>th</sup>

**Agenda Number:**

11.3

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

**SUBJECT:** Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90  
Project No. 6-0-00040-90

**SUBMITTAL DATE:** March 13, 2012

**Page 2**

**BACKGROUND:**

The Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90 Project (hereinafter referred to as the "Project") is located in Zone 6 near the intersection of South Palm Canyon Drive and Murray Canyon Drive within the city of Palm Springs and within the tribal lands of the Agua Caliente Band of Cahuilla Indians, California.

The Project consists of improvements to an approximately 1,500 foot length of the existing Cherly Creek Channel and levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification. Cherly Creek Channel is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road, and constructing a new maintenance road within the existing District easement.

This certification is in accordance with the requirements of CEQA.

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

**RESOLUTION NO. F2012-03  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
APPROVING THE PROJECT FINAL DESIGN OF THE  
PALM CANYON WASH/CHERLY CREEK LEVEE RESTORATION, STAGE 90  
PROJECT**

WHEREAS, the Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90 Project (hereinafter referred to as the "Project") is located in Zone 6 within the city of Palm Springs; and

WHEREAS, the proposed Project site is located near the intersection of South Palm Canyon Drive and Murray Canyon Drive; and

WHEREAS, the proposed Project involves improvements to an approximately 1,500 foot length of the existing Cherly Creek Channel and Levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification. Cherly Creek Channel is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road, and constructing a new maintenance road within the existing District easement; and

WHEREAS, the Project is located in Section 34, Township 4 South, Range 4 East which is within lands under the jurisdiction of the Agua Caliente Tribal Habitat Conservation Plan (Tribal HCP) and is subject to the requirements of the Tribal HCP; 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; and

WHEREAS, the Initial Study/Mitigated Negative Declaration thoroughly addresses the environmental effects of implementing the Project, including the construction, operation, and maintenance of the various improvements identified therein; and

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel* 2-14-12  
DATE  
SYNTHIA M. GUNZEL

1 WHEREAS, the Project Final Design is set forth in the Design Drawings of the  
2 proposed Project, on file with the Clerk of the Board of Supervisors; and

3 WHEREAS, the matter was discussed fully with testimony and documentation  
4 presented by the public and affected government agencies.

5 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the  
6 Board of Supervisors of the Riverside County Flood Control and Water Conservation District  
7 in regular session assembled on March 13, 2012 that:

8 1. There is no substantial evidence in light of the whole record that the Project,  
9 with mitigation, may have a significant effect upon the environment and the Mitigated Negative  
10 Declaration represents the independent judgment of the District.

11 2. A Mitigated Negative Declaration is adopted based on the findings incorporated  
12 in the initial study and the conclusion that the Project will not have a significant effect on the  
13 environment.

14 3. The Project Final Design is approved and the District is hereby authorized to  
15 proceed with the Project.

16 BE IT FURTHER RESOLVED that, within five (5) working days of this Board  
17 meeting, the Clerk of the Board is directed to deliver the adopted Mitigated Negative  
18 Declaration and the Notice of Determination to the Office of the County Clerk and Recorder,  
19 who are thereby directed to file same, and the Clerk of the Board is further directed to deliver  
20 the Notice of Determination to the State Office of Planning and Research, all as required by  
21 law.