



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

408 B

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
February 26, 2013

**SUBJECT:** Moreno MDP Line K, Stage 1  
Project No. 4-0-00767-01  
District 5/District 5

**RECOMMENDED MOTION:**

1. Adopt Resolution No. F2013-03, Adopting a Negative Declaration for the Moreno MDP Line K, Stage 1 Project (Project);
2. Find 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;
3. Adopt a Negative Declaration for the Project; and
4. Direct the Clerk of the Board to submit the Negative Declaration and Notice of Determination to the County Clerk for filing within five (5) working days of approval of this Project.

**BACKGROUND:**

See Page 2.

**FINANCIAL:**

N/A

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

**FINANCIAL DATA**

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

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

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

APPROVE

BY:   
Debra Courmoyer

County Executive Office Signature

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

Prev. Agn. Ref.:

District: 5<sup>th</sup>/5<sup>th</sup>

Agenda Number:

11-4

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL  
BY:   
CYNTHIA M. GUNZEL DATE

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

**SUBJECT:** Moreno MDP Line K, Stage 1  
Project No. 4-0-00767-01  
District 5/District 5

**SUBMITTAL DATE:** February 26, 2013

**Page 2**

**BACKGROUND:**Project Description

Moreno MDP Line K, Stage 1 consists of the preservation of a 100-year floodplain in the city of Moreno Valley. The District will acquire an inundation easement consisting of approximately 36 acres south of Ironwood Avenue, west of Moreno Beach Drive, north of State Highway 60 and mostly east of Oliver Street. The District is also acquiring a permanent easement for the future Moreno MDP Line K-1 outlet structure. The parcels are designated as low density residential (maximum of 2 units per acre) by the City of Moreno Valley's General Plan.

The District does not intend to make any improvements on the land but is acquiring inundation rights to the parcels to preserve the floodplain as a conveyance and to facilitate implementation of the Moreno MDP. The City of Moreno Valley is planning to construct Moreno MDP Line K-1 in Ironwood Avenue as part of the improvements to the Moreno Beach Drive interchange with Highway 60. This Project would allow for the City's construction of the Moreno MDP Line K-1 outlet south of Ironwood Avenue and allow the District to operate and maintain the Moreno MDP Line K-1 outlet structure.

Maintenance of the floodplain area may be required after storm events to shore up eroded stream banks and remove sediment. The parcels would be mowed periodically to minimize fire hazards. Maintenance of the Moreno MDP Line K-1 outlet structure may include removal of vegetation, sand, silt, sediment, debris, and other obstructions to flow within the immediate vicinity of the outfall structure. Activities may also involve erosion repair and control of weeds and grass in areas adjacent to the outlet structure and access ramp.

Compliance with Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

The Project is in compliance with the sections required by the MSHCP under the following findings:

1. Section 6.1.2 - Riparian/Riverine Area and Vernal Pools are not located on the Project property.
2. Section 6.1.3 - The Project is not within a mapped survey area for Narrow Endemic Plant Species.
3. Section 6.1.4 - The Project is not within or adjacent to a Criteria Area or MSHCP-designated Public/Quasi-Public conservation lands.
4. Section 6.3.2 - The Project is within a MSHCP Burrowing Owl Survey Area. A habitat site assessment was performed during September 2009 and no Burrowing Owls or Burrow Owl signs were observed. In accordance with the MSHCP, a survey for Burrowing Owls will be performed no earlier than 30 days before the property is disturbed for maintenance.
5. Section 3.2.1 - The Project is not within or adjacent to MSHCP-designated Public/Quasi-Public conservation lands.
6. Section 7.5.3 - The District will implement applicable Standard Best Management Practices as outlined in Appendix C of the MSHCP.

This certification is in accordance with the requirements of CEQA.

BOARD OF SUPERVISORS RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

**RESOLUTION NO. F2013-03  
ADOPTING A NEGATIVE DECLARATION FOR THE  
MORENO MDP LINE K, STAGE 1 PROJECT**

WHEREAS, the Moreno MDP Line K, Stage 1 Project (hereinafter referred to as the "Project") is located in Zone 4 within the city of Moreno Valley; and

WHEREAS, the Project is the preservation of the Moreno MDP Line K 100-year floodplain and adjacent banks for the future Moreno MDP Line K system flow rate; and

WHEREAS, the District will acquire an inundation easement to approximately 36 acres located south of Ironwood Avenue, west of Moreno Beach Drive, north of State Highway 60 and mostly east of Oliver Street within the city of Moreno Valley. The District is also acquiring a permanent easement for the future Moreno MDP Line K-1 outlet structure; and

WHEREAS, the easements to be acquired are on properties currently designated as low density residential (maximum of 2 units per acre) by the City of Moreno Valley's General Plan; and

WHEREAS, the City of Moreno Valley is planning to construct Moreno MDP Line K-1 in Ironwood Avenue as part of the improvements to the Moreno Beach Drive interchange with Highway 60. This Project would allow for the City's construction of the Moreno MDP Line K-1 outlet south of Ironwood Avenue and allow the District to operate and maintain the Moreno MDP Line K-1 outlet structure; and

WHEREAS, the Project includes the long term maintenance and operation of the floodplain and the Moreno MDP Line K-1 outlet structure. Maintenance of the floodplain area may be required after storm events to shore-up eroded stream banks and remove sediment. The parcels would be mowed periodically to minimize fire hazards. Maintenance of the Moreno MDP Line K-1 outlet structure may include removal of vegetation, sand, silt, sediment, debris and other obstructions to flow within the immediate vicinity of the outfall structure. Activities may also involve erosion repair, and control of weeds and grass in areas adjacent to the outlet structure and access ramp; and

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel* 1/31/13  
DATE: SYNTHIA M. GUNZEL

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

5           WHEREAS, the Initial Study/Negative Declaration thoroughly addresses the  
6 environmental effects of implementing the Project, including the operation and maintenance  
7 identified therein; and

8           WHEREAS, the District is an active participant and Permittee in the Western Riverside  
9 County Multiple Species Habitat Conservation Plan (MSHCP); and

10          WHEREAS, all obligations set forth to the District by the MSHCP have been discussed  
11 and implemented; and

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

14          NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the  
15 Board of Supervisors of the Riverside County Flood Control and Water Conservation District  
16 in regular session assembled on February 26, 2013 that:

17           1.    The Project is **not** within a Criteria Area set forth in and established by the  
18 MSHCP.

19           2.    The Project is consistent with the Riparian/Riverine Area and Vernal Pool  
20 requirements of the MSHCP. Pursuant to Section 6.1.2 of the MSHCP, Riparian/Riverine areas  
21 are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent  
22 mosses and lichens, which occur close to or which depend upon soil moisture from a nearby  
23 fresh water source, or areas with freshwater flow during all or a portion of the year. Vernal  
24 Pools are seasonal wetlands that occur in depression areas that have wetlands indicators of all  
25 three parameters (soils, vegetation and hydrology) during the wetter portion of the growing  
26 season. It has been determined that the Project area does not contain any Vernal Pools, nor  
27 does it include Riparian/Riverine Areas as defined by the MSHCP. In addition, the Project area  
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1 does not contain suitable habitat for least Bell's vireo, Southwestern Willow Flycatcher or  
2 Western Yellow-Billed Cuckoo. Therefore, no further surveys or conservation measures are  
3 required.

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

10 4. The Project is consistent with the Urban-Wildlands Interface requirements of the  
11 MSHCP. Section 6.1.4 of the MSHCP presents guidelines to minimize indirect effects of a  
12 project in proximity to the MSHCP Conservation Area. This section provides mitigation  
13 measures for impacts associated with Drainage, Toxics, Lighting, Noise, Invasives, Barriers  
14 and Grading/Land Development. The Project has been reviewed and it has been determined  
15 the Project does not occur within or adjacent to a Criteria Area or MSHCP-designated  
16 Public/Quasi-Public (P/QP) conservation lands. Therefore, no further analysis or  
17 implementation of any mitigation measures is required.

18 5. The Project is consistent with the Database Updates/Additional Surveys  
19 requirements of the MSHCP. Pursuant to Section 6.3.2 of the MSHCP, habitat assessments  
20 and/or focused surveys for certain additional plant and animal species are required for  
21 properties within mapped survey areas. The survey area maps have been reviewed and the  
22 Project is only within a mapped survey area for the Burrowing Owl. A habitat site assessment  
23 was conducted for the Burrowing Owl during September 2009. No Burrowing Owls or  
24 Burrowing Owl signs were observed within the surveyed area, however, suitable habitat was  
25 found. In accordance with the MSHCP, a survey for Burrowing Owls will be conducted within  
26 30 days prior to disturbance of the property for maintenance purposes. The Project satisfies the  
27  
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1 plant, mammal, amphibian and bird Additional Survey Needs and Procedures requirements of  
2 the MSHCP.

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

12         7. The Project is consistent with the Construction Guidelines for Facilities within  
13 Criteria Areas and P/QP Lands and Standard Best Management Practices, Appendix C  
14 contained in Section 7.5.3 of the MSHCP. The Project has been reviewed and it has been  
15 determined the Project does not occur within any MSHCP Criteria Areas and P/QP Lands,  
16 therefore, Section 7.5.3 does not apply to the Project. However, the District will implement  
17 applicable Standard Best Management Practices as outlined in Appendix C of the MSHCP.

18         BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that:

19         1. There is no substantial evidence in light of the whole record that the Project may  
20 have a significant effect upon the environment and the Negative Declaration represents the  
21 independent judgment of the District.

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

24         BE IT FURTHER RESOLVED AND ORDERED that, within five (5) working days of  
25 approval of the Project, the Clerk of the Board is directed to file the adopted Negative  
26 Declaration and the Notice of Determination with the County Clerk for posting, all as required  
27 by law.

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**NEGATIVE DECLARATION**

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

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

Address: 1995 Market Street City: Riverside Zip: 92501

**Project Title and Description: Moreno MDP Line K, Stage 1**

The Moreno MDP Line K, Stage 1 project consists of the preservation of a 100-year floodplain in the city of Moreno Valley. The District will acquire an inundation easement consisting of approximately 36 acres south of Ironwood Avenue, west of Moreno Beach Drive, north of State Highway 60 and mostly east of Oliver Street. The District is also acquiring a permanent easement for the future Moreno MDP Line K-1 outlet structure. The parcels are designated as low density residential (maximum of two (2) units per acre) by the City of Moreno Valley's General Plan.

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**Project Location:**

The Moreno MDP Line K, Stage 1 project is located within the city of Moreno Valley. The proposed project is located north of State Highway 60 and south of Ironwood Avenue between Nason Street and Moreno Beach Drive. The project is located within Section 3, Township 3 South, Range 3 West and Section 34, Township 2 South, Range 3 West of the Sunnymead, 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 Moreno MDP Line K, Stage 1 project will not have a significant adverse effect on the environment. An Initial Study supporting this finding is attached. This finding will become final upon adoption of this Negative Declaration by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District.

Signature:  Dated: 2/6/13  
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 February 26, 2013 has determined that the Moreno MDP Line K, Stage 1 project will not have a significant adverse effect on the environment and has adopted this Negative Declaration.

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_  
KECIA HARPER-IHEM  
Clerk of the Board

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

**RIVERSIDE COUNTY CLERK-RECORDER**

**AUTHORIZATION TO BILL**

**TO BE FILLED OUT BY SUBMITTING AGENCY**

DATE: 2/5/2013 BUSINESS UNIT/AGENCY: FLOOD CONTROL - FCARC

ACCOUNTING STRING:

ACCOUNT: 526410 FUND: 25140

DEPT ID: 947460 PROGRAM: \_\_\_\_\_

AMOUNT: \$2,206.25

REF: FINAL CEQA POSTING FOR MORENO MDP LINE K STG 1 PROJ # 224-4-8-00767-01-30

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE AN INVOICE FOR PAYMENT OF ALL FEES FOR THE ACCOMPANYING DOCUMENTS.

NUMBER OF DOCUMENTS INCLUDED: 4

AUTHORIZED BY: DARRYLENN PRUDHOLME-BROCKINGTON *DPB*

PRESENTED BY: TOM RHEINER EXT 54643

CONTACT: DARRYLENN PRUDHOLME-BROCKINGTON

**TO BE FILLED OUT BY COUNTY CLERK**

ACCEPTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

DOCUMENT NO(S)/INVOICE NO(S): \_\_\_\_\_



## Notice of Determination

To: Office of Planning and Research

From: Riverside County Flood Control  
1995 Market Street  
Riverside, CA 92501  
Contact: Kris Flanigan  
Phone: 951.955.8581

*For U.S. Mail:*  
P.O. Box 3044  
Sacramento, CA 95812-3044

*Street Address:*  
1400 Tenth Street  
Sacramento, CA 95814

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

Lead Agency (if different from above):

### SUBJECT:

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

State Clearinghouse Number (if submitted to State Clearinghouse):           N/A          

**Project Title:** Moreno MDP Line K, Stage 1

#### Project Location (include county)

The Moreno MDP Line K, Stage 1 project is located within the city of Moreno Valley. The proposed project is located north of State Highway 60 and south of Ironwood Avenue between Nason Street and Moreno Beach Drive. The project is located within Section 3, Township 3 South, Range 3 West and Section 34, Township 2 South, Range 3 West of the Sunnymead, California 7.5 Minute USGS Quadrangle.

#### Project Description

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This is to advise that the Riverside County Flood Control and Water Conservation District (Lead Agency) has approved the above described project on February 26, 2013 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of the approval of the project.
4. A Mitigation Monitoring Program was not adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration is available to the General Public at: The Office of the Clerk of the Board, County Administrative Center, 4080 Lemon Street, Riverside, CA 92501.

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Date received for filing at OPR:

**Revised 2004**

Authority cited: Sections 21083 and 21087, Public Resources Code.

Reference: Sections 21000-21174, Public Resources Code.

**CERTIFICATE OF POSTING**

(Original copy, duly executed, must be attached to original at the time of filing)

I, TOM RHEINER, ASSOCIATE ENGINEER, do hereby certify that I am not  
(NAME AND TITLE)  
a party to the within action or proceeding; that on MAY 17, 2011, I posted a  
(DATE)  
copy of the following document:

by posting at CITY OF MORENO VALLEY

Board Agenda Date: FEBRUARY 26, 2013

CINDY A. MILLER  
(Signature)

T.M. Rheinert