

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO. F2013-06
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
APPROVING THE PROJECT FINAL DESIGN OF THE
SAN JACINTO MDP LINE C, STAGE 2, LINE C-4, LINE C-5, AND LINE B PROJECT

WHEREAS, the San Jacinto MDP Line C, Stage 2, Line C-4, Line C-5, and Line B Project (hereinafter referred to as "Project") is located in Flood Control Zone 4 within the cities of San Jacinto and Hemet; and

WHEREAS, the Project site is generally bound by West Esplanade Avenue to the north, South San Jacinto Avenue to the east, East Menlo Avenue to the south and North Buena Vista Street to the west; and

WHEREAS, the Project will construct, operate and maintain certain facilities pursuant to the District's adopted San Jacinto Regional Master Drainage Plan; and

WHEREAS, the Project will result in the construction of an underground storm drain system totaling approximately 1.6 miles in length; and

WHEREAS, the new storm drain system will include the construction of connector pipes, catch basins, and inlets, the replacement of road surfaces, and the relocation of existing gas, water, electric, communications, and sewer utility lines; and

WHEREAS, the Project will require the District to purchase permanent and temporary construction easements on multiple properties; and

WHEREAS, the Project includes the long term maintenance and operation of this facility; and

WHEREAS, a Section 18 Hearing was held on June 8, 1982 to adopt the San Jacinto Master Drainage Plan in which Line C, Stage 2, Line C-4, Line C-5, and Line B are components; 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

FORM APPROVED COUNTY COUNSEL
BY:  DATE 3/5/13
MICHELLE CLACK

1 the District has found that the Project will not have a significant adverse effect upon the
2 environment and has completed a Mitigated Negative Declaration; and

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

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

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

10 WHEREAS, the Project Final Design is set forth in the Design Drawings of the
11 proposed Project, on file with the Clerk of the Board of Supervisors; 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 March 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 does
27 it include Riparian/Riverine Areas as defined by the MSHCP. In addition, the Project area does
28

1 not contain suitable habitat for least Bell's vireo, Southwestern Willow Flycatcher, or Western
2 Yellow-Billed Cuckoo. However, the site contains potentially suitable habitat for other avian
3 species. Therefore, a pre-construction nesting bird survey will be conducted.

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 (PQP) 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. In accordance with the
23 MSHCP, a pre-construction survey for Burrowing Owls will be required prior to disturbance of
24 the property for construction purposes. The project satisfies the plant, mammal, amphibian and
25 bird Additional Survey Needs and Procedures requirements of the MSHCP.

26 6. The Project is consistent with the PQP Land provisions contained in Section 3.2.1
27 of the MSHCP. Section 3.2.1 describes lands within the MSHCP conservation area including
28

1 those designated as PQP lands. Section 3.2.1 states that if a Permittee elects to use property
2 currently depicted as PQP lands in a way that alters the land use such that it would not
3 contribute to Reserve Assembly, the Permittee shall locate and acquire or otherwise encumber
4 replacement acreage at a minimum ratio of 1:1. The Permittee must make findings that the
5 replacement acreage is biologically equivalent or superior to the existing property. The Project
6 has been reviewed and it has been determined the Project does not occur within MSHCP-
7 designated PQP conservation lands. Therefore, no further analysis is required.

8 7. The Project is consistent with the Construction Guidelines for Facilities within
9 Criteria Areas and PQP Lands and Standard Best Management Practices, Appendix C
10 contained in Section 7.5.3 of the MSHCP. The Project has been reviewed and it has been
11 determined the Project does not occur within any MSHCP Criteria Areas and PQP Lands,
12 therefore, Section 7.5.3 does not apply to the project. However, the District will implement
13 applicable Standard Best Management Practices as outlined in Appendix C of the MSHCP.

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

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

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

21 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Project
22 Final Design is hereby approved and the District is authorized to proceed with the Project.

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

27
28