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

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
August 5, 2014

**SUBJECT:** Adopt Resolution No. F2014-36 Certifying the Supplemental Environmental Impact Report for the Murrieta Creek Flood Control, Environmental Restoration and Recreation Project - Phase II; Approval of Amendment No. 1 to the Project Cooperation Agreement; Project No. 7-0-00021; 3rd District /3rd District; [\$15,000,000]; District Funds 100%

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. F2014-36 certifying the Supplemental Environmental Assessment/Environmental Impact Report (SEA/EIR) (SCH #2000071051) for the Murrieta Creek Flood Control, Environmental Restoration and Recreation Project - Phase II ("Phase II"); and
2. Approve Amendment No. 1 to the Project Cooperation Agreement (PCA) with the U.S. Army Corps of Engineers (USACE) and authorizes the Chairman to execute the Project Cooperation Agreement Amendment on behalf of the District; and
3. Authorize and direct the Auditor-Controller to make the necessary budget adjustments applicable to the District's Zone 7 Construction-Maintenance-Miscellaneous Fund specified on Attachment A; and
4. Direct the Clerk of the Board to deliver the Notice of Determination to the office of the Assessor-County Clerk-Recorder and the State Office of Planning and Research for filing within five (5) working days of this Board hearing.

FISCAL PROCEDURES APPROVED  
PAUL ANGULO, CPA, AUDITOR-CONTROLLER  
BY: Esteban Hernandez 7/31/14

Steve Thomas  
FOR WARREN D. WILLIAMS  
General Manager-Chief Engineer

P8\162671

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 15,000,000	\$ N/A	\$ 15,000,000	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 15,000,000	\$ N/A	\$ 15,000,000	\$ N/A	
<b>SOURCE OF FUNDS:</b> 25170-947520-527980 Zone 7 Const-Maint-Misc - Contracts				<b>Budget Adjustment:</b> Yes	
				<b>For Fiscal Year:</b> 14-15	

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

APPROVE  
BY: Steven C. Horn

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

FORM APPROVED COUNTY COUNSEL  
BY: AARON C. GETTIS  
DATE: 7-31-14

FISCAL PROCEDURES APPROVED  
JEANINE J. REY, FINANCE DIRECTOR  
BY: REGINA L. NEAL 8/1/14

FORM APPROVED COUNTY COUNSEL  
BY: NEAL R. KIPNIS  
DATE: 7/31/14

- A-30
- 4/5 Vote
- Positions Added
- Change Order

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

**FORM 11:** Adopt Resolution No. F2014-36 Certifying the Supplemental Environmental Impact Report for the Murrieta Creek Flood Control, Environmental Restoration and Recreation Project - Phase II; Approval of Amendment No. 1 to the Project Cooperation Agreement; Project No. 7-0-00021; 3rd District/3rd District; [\$15,000,000]; District Funds 100%

**DATE:** August 5, 2014

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary**

The previously approved Murrieta Creek Flood Control, Environmental Restoration and Recreation Project (Project) stretches from approximately the USGS stream gage south of Old Town Temecula to Vineyard Parkway/Lemon Street in the city of Murrieta. The District has partnered with the USACE and the Cities of Temecula and Murrieta for the Project's construction.

The Project is being constructed in phases. A portion of Phase I was constructed up to a point approximately 1,000 lineal feet south of First Street in the city of Temecula in December 2004. It is anticipated that construction of Phase II will begin in 2014. Phase II covers about 13,000 lineal feet of channel stretching through Old Town Temecula from the upstream end of Phase I to just upstream of Winchester Road.

Inasmuch as the last federal appropriation for Project construction occurred in 2003, the District proposes to utilize local funds to expedite the award of a Phase II USACE administered construction contract. However, prior to accepting local funds in advance of any corresponding federal appropriation, USACE must first amend the existing PCA to specifically authorize its receipt of "Accelerated Funds". It is anticipated that Phase II will be constructed using solely local funds.

**Impact on Residents and Businesses**

The Amendment No. 1 to the PCA and the District's Accelerated Funds will allow the USACE to expedite construction of Phase II. Constructing Phase II will significantly reduce flood hazard/flood risk within those portions of Temecula that are located adjacent to Murrieta Creek. This project is funded by ad valorem property tax revenue and entails no new fees, taxes or bonded indebtedness. Moreover, the Project may enable revision of the FEMA Flood Insurance Rate Maps reducing the floodplain area resulting in a significant reduction in flood insurance premiums.

The residents and businesses of Temecula are the principal beneficiaries of this project.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The District had budgeted a \$5 million payment to USACE for the Murrieta Creek Flood Control, Environmental Restoration and Recreation Project in FY 2014-2015. However, the Accelerated Funds of the Amendment No. 1 to the PCA will require an additional \$15 million to construct Phase II. Therefore, a budget adjustment is necessary to accommodate the payment to the USACE in FY 2014-2015. Future operation and maintenance costs associated with Phase II will accrue to the District. These costs will be paid from future ad valorem tax receipts.

**ATTACHMENTS:**

1. Attachment A
2. Resolution No. F2014-36
3. Amendment No. 1 to the Project Cooperation Agreement
4. Notice of Determination and Authorization to Bill
5. CDs with Supporting CEQA Documents

## Attachment A

Increase Appropriations:

25170-947520-527980	Contracts	\$15,000,000
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Use of Fund Balance:

25170-947520-330100	Committed Fund Balance	\$15,000,000
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AMENDMENT NUMBER 1  
TO THE  
PROJECT COOPERATION AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT  
FOR CONSTRUCTION OF THE  
MURRIETA CREEK FLOOD CONTROL, ENVIRONMENTAL RESTORATION  
AND RECREATION PROJECT

THIS AMENDMENT No. 1 is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ , by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Los Angeles District (hereinafter the "District Engineer"), and the Riverside County Flood Control and Water Conservation District (hereinafter the "Non-Federal Sponsor"), represented by the Chairman of the Riverside County Flood Control and Water Conservation District.

WITNESSETH, THAT:

WHEREAS, the Government and the Non-Federal Sponsor entered into a Project Cooperation Agreement on September 11, 2003 (hereinafter referred to as the "Agreement"), for construction of the Murrieta Creek Flood Control, Environmental Restoration, and Recreation Project (hereinafter referred to as the "Project", as defined in Article I.A. of the Agreement);

WHEREAS, the Non-Federal Sponsor considers it to be in its own interest for the Government to accelerate use of a portion or all of the Non-Federal Sponsor's required contribution of funds for the Project; and

WHEREAS, the Non-Federal Sponsor understands that the Government's accelerated use of the funds provided by the Non-Federal Sponsor shall not constitute or imply any commitment by the Government to budget or appropriate funds for the Project in the future or to match the amount the Non-Federal Sponsor elects to designate for accelerated use; that such funds accelerated will be credited toward the Non-Federal Sponsor's required cost share only to the extent additional Federal funds are appropriated for the Project; and that the Non-Federal Sponsor is not entitled to any repayment of the funds accelerated even if the Project is not completed.

NOW, THEREFORE, the Government and the Non-Federal Sponsor agree to amend the Agreement by adding the following:

1. The following Whereas Clauses are inserted after the 6th Whereas clause:

"WHEREAS, the Non-Federal Sponsor considers it to be in its own interest for the Government to accelerate use of a portion or all of the Non-Federal Sponsor's required

contribution of funds for the Project;

WHEREAS, the Non-Federal Sponsor understands that the Government's accelerated use of the funds provided by the Non-Federal Sponsor shall not constitute or imply any commitment by the Government to budget or appropriate funds for the Project in the future or to match the amount the Non-Federal Sponsor elects to designate for accelerated use; that such funds accelerated will be credited toward the Non-Federal Sponsor's required cost share only to the extent additional Federal funds are appropriated for the Project; and that the Non-Federal Sponsor is not entitled to any repayment of the funds accelerated even if the Project is not completed;"

2. ARTICLE II - OBLIGATIONS OF THE GOVERNMENT AND THE NON-FEDERAL SPONSOR is amended as follows:

a. Article II.J. is amended by striking the current paragraph and replacing the following:

"J. The Non-Federal Sponsor shall not use Federal funds to meet any of the Non-Federal Sponsor's obligations for the Project under this Agreement unless the Federal agency providing the funds verifies in writing that such funds are authorized to carry out the Project."

b. Article II is further amended by adding the following paragraphs O. – Q. at the end thereof:

"O. The Non-Federal Sponsor desires that the Government accelerate use of a portion or all of the Non-Federal Sponsor's contribution of funds required during the period of construction of the Project by paragraph D., paragraph E., and paragraph F. of this Article. The amount of funds accelerated shall not exceed the current estimate of the Non-Federal Sponsor's contribution of funds required by paragraph D., paragraph E., or paragraph F. of this Article, as determined by the Government in coordination with the Non-Federal Sponsor, less any funds previously contributed by the Non-Federal Sponsor and obligated by the Government.

P. As Federal appropriations are made available to pay the Federal share of the total project costs, the Government shall afford credit toward the Non-Federal Sponsor's contribution of funds required by paragraph D., paragraph E., and paragraph F. of this Article for the funds accelerated in accordance with paragraph O. of this Article.

Q. The Non-Federal Sponsor understands that neither execution of Amendment No. 1 to this Agreement nor the Government's accelerated use of funds provided by the Non-Federal Sponsor constitutes or implies any commitment by the Government to budget or appropriate funds for this Project in the future or to match the amount the Non-Federal Sponsor provides for accelerated use and that credit toward the Non-Federal Sponsor's contribution of funds required by paragraph D., paragraph E., and paragraph F. of this Article for the funds accelerated shall be provided only to the extent that additional Federal funds are appropriated for this Project. Further, the Non-Federal

Sponsor understands that it is not entitled to any repayment of the funds accelerated even if the Project is not completed and the Government's use of accelerated funds shall not represent, or give rise to, obligations of the United States."

3. ARTICLE IV - CREDIT FOR VALUE OF LANDS, RELOCATIONS, AND DISPOSAL AREAS is amended by striking the last sentence of Article IV.A. and replacing with the following:

"The Non-Federal Sponsor also shall not receive credit for the value of lands, easements, rights-of-way, relocations, or borrow and dredged material disposal areas that were acquired or performed using Federal funds unless the Federal agency providing the funds verifies in writing that such funds are authorized to carry out the Project."

4. ARTICLE VI – METHOD OF PAYMENT is amended as follows:

a. Article VI.A. is amended by striking the 3<sup>rd</sup> sentence and replacing with the following:

"On the effective date of Amendment No. 1 to this Agreement, total project costs are projected to be \$139,379,000; total flood control costs are projected to be \$101,854,820; total project recreation costs are projected to be \$14,007,559; total project environmental restoration costs are projected to be \$23,516,621; the Non-Federal Sponsor's contribution of funds required by Article II.D.1. and Article II.D.3. of this Agreement is projected to be \$5,843,187; the Non-Federal Sponsor's contribution of funds required by Article II.E.2. of this Agreement is projected to be \$5,667,779; and the Non-Federal Sponsor's contribution of funds required by Article II.F.2. of this Agreement is projected to be \$6,022,817."

b. Article VI.B. is amended by striking "Articles II.D.1. and II.D.3." and replacing with "Articles II.D.1., II.D.3., II.E.2., and II.F.2."

c. The first sentence of Article VI.B.2. is amended by inserting the phrase ", after consideration of credit afforded pursuant to Article II.P. of this Agreement," after "the Government" and before "shall notify".

d. Article VI.B.3. is amended by inserting the following at the end of the last sentence: "and to the extent funds are accelerated in accordance with Article II.O. of this Agreement, any other contractual and in-house fiscal obligations attributable to the Project in excess of the Non-Federal Sponsor's share as they are incurred."

e. The first sentence of Article VI.B.4. is amended by inserting the phrase: ", after consideration of credit afforded pursuant to Article II.P. of this Agreement," after "the Government determines" and before "that additional funds will be needed".

f. Article VI.D.2. is amended by inserting in the first sentence the phrase: ", except that if the final accounting results from termination pursuant to Article XIV of this Agreement, and funds were accelerated in accordance with Article II.O. of this Agreement, the Government shall refund to the Non-Federal Sponsor only that portion of

accelerated funds that were not obligated by the Government for work on the Project, subject to the availability of funds” after “the final accounting is complete” and before “; however, the Non-Federal Sponsor.”

5. ARTICLE XIX - SECTION 902 PROJECT COST LIMITS is amended by striking the text of the article and replacing with the following:

“The Non-Federal Sponsor understands that Section 902 of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2280) establishes the maximum amount of total project costs for the Project. On the effective date of Amendment No. 1 to this Agreement, the maximum amount of total project costs for the Project is estimated to be \$151,345,000, as calculated in accordance with Engineer Regulation 1105-2-100, using October 1, 2012 price levels and including allowances for projected future inflation. The Government shall adjust such maximum amount of total project costs for the Project, in accordance with Section 902 of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2280), when necessary.”

6. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BY: \_\_\_\_\_  
Kimberly M. Colloton  
Colonel, U.S. Army  
District Engineer

BY: \_\_\_\_\_  
Marion Ashley, Chairman  
Riverside County Flood Control and Water Conservation District Board of Supervisors

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

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

RECOMMENDED FOR APPROVAL:


ATTEST:

By Steve Thomas  
WARREN D. WILLIAMS  
General Manager-Chief Engineer  
Riverside County Flood Control and Water Conservation District

By \_\_\_\_\_  
KECIA HARPER-IHEM  
Clerk of the Board

APPROVED AS TO FORM:

~~PAMELA J. WALLS~~ GREGORY P. PRIAMOS  
County Counsel




Amendment No. 1  
Project Cooperation Agreement -  
Murrieta Creek Flood Control, Environmental Restoration and Recreation Project




CERTIFICATE OF AUTHORITY

I, \_\_\_\_\_, do hereby certify that I am the principal legal officer of the Riverside County Flood Control and Water Conservation District, that the Riverside County Flood Control and Water Conservation District is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement, as amended, between the Department of the Army and the Riverside County Flood Control and Water Conservation District in connection with the Murrieta Creek Flood Control, Environmental Restoration, and Recreation project, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. 1962d-5b), and that the persons who have executed this Agreement on behalf of the Riverside County Flood Control and Water Conservation District have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

  
\_\_\_\_\_  
~~Pamela J. Wells~~ GREGORY P. PRIAMOS  
County Counsel  
County of Riverside, California

COPY 

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Marion Ashley, Chairman  
Riverside County Flood Control  
and Water Conservation District  
Board of Supervisors

FORM APPROVED COUNTY COUNSEL  
BY: Neal R. Kipnis 7/3/14  
NEAL R. KIPNIS DATE

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

# Notice of Determination

To: County Clerk  
County of Riverside  
2724 Gateway Drive  
P.O. Box 3044  
Riverside, CA 92507

From: Riverside County Flood Control and  
Water Conservation District  
1995 Market Street  
Riverside, CA 92501  
Contact: Mike Wong  
Phone: 951.955.1233

To: Office of Planning and Research

Lead Agency (if different from above):

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

*Street Address*  
1400 Tenth Street  
Sacramento, CA 95814

**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): 2000071051

Project Title: Murrieta Creek Flood Control, Environmental Restoration and Recreation Project - Phase II  
Project Cooperation Agreement Amendment

### Project Location (include county)

Phase II of the Murrieta Creek Flood Control, Environmental Restoration and Recreation - Phase II Project is located within the city of Temecula, in the County of Riverside, and covers about 13,000 lineal feet of channel through Old Town Temecula beginning downstream of First Street and ending just upstream of Winchester Road. The project is generally bounded by Front Street/Jefferson Avenue on the east and Pujol Street/Diaz Road on the west.

### Project Description

Phase II of the previously approved Murrieta Creek Flood Control, Environmental Restoration and Recreation Project involves the construction, operation, and maintenance of flood control, environmental restoration, and recreation improvements. The District Board previously approved a Project Cooperation Agreement (PCA) with the U.S. Army Corps of Engineers (USACE). The PCA set forth the terms and conditions by which the USACE would design and construct the project and fund up to 65% of the project's total cost. The PCA formalized the District's commitment to provide the local cost share, and outlined its responsibilities to provide right of way and to operate and maintain the project after construction. Phase II is anticipated to be constructed using accelerated local funds. This change in the funding arrangement timing requires an amendment to the previously approved PCA. Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the USACE prepared and circulated for public review a draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in September 2000 and as required by CEQA and as the CEQA lead agency, the District's Board of Supervisors certified the EIS/EIR and adopted Resolution No. F2003-01 (Agenda No. 11.5 January 28, 2003), which authorized the District to proceed with the Project. Alternative 6 was originally chosen as the preferred design for the Project and Phase I was completed by the USACE in 2004. In order to address minor design refinements to the original Phase II design, a Supplemental Environmental Assessment/Environmental Impact Report (SEA/EIR) was completed and pursuant to NEPA and CEQA, the USACE, acting as the Federal lead agency and the District as CEQA lead agency, approved the July 2014 SEA/EIR to the 2000 EIS/EIR (SCH No. 2000071051). The SEA/EIR concluded that environmental impacts associated with the modified Phase II design are not substantially different with respect to the original Phase II design as documented in the original EIS/EIR.

This is to advise that the Riverside County Flood Control and Water Conservation District (Lead Agency) has evaluated and approved the above described Project on August 5, 2014 and has made the following findings and determinations:

1. A Supplemental Environmental Assessment/Environmental Impact Report (SCH No. 2000071051) was prepared for this Project pursuant to the provisions of CEQA.
2. The Project will not have a significant effect on the environment.
3. Mitigation measures were made a condition of the approval of the Project.
4. A Mitigation Monitoring and Reporting Program was adopted for the Project.
5. A Statement of Overriding Considerations was not adopted for this Project.
6. Findings were made pursuant to the provisions of CEQA for this Project.

This is to certify that the final Supplemental Environmental Assessment/Environmental Impact Report with response to comments and the record of Project approval are 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:  
Authority cited: Sections 21083 and 21087, Public Resources Code.  
Reference: Sections 21000-21174, Public Resources Code.

**Revised 2004**

RIVERSIDE COUNTY CLERK-RECORDER

AUTHORIZATION TO BILL

TO BE FILLED OUT BY SUBMITTING AGENCY

DATE: 7/8/2014 BUSINESS UNIT/AGENCY: FLOOD CONTROL - FCARC

ACCOUNTING STRING:

ACCOUNT: 526410 FUND: 25170

DEPT ID: 947520 PROGRAM:

AMOUNT: \$50.00

REF: CEQA NOTICE OF DETERMINATION POSTING FOR PROJECT # 227-7-8-00021-00-30-0000-000 MURRIETA CREEK PHASE 2

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

NUMBER OF DOCUMENTS INCLUDED: 2

AUTHORIZED BY: DARRYLENN PRUDHOLME-BROCKINGTON

PRESENTED BY: RANDY SHEPPEARD EXT 51306

CONTACT: DARRYLENN PRUDHOLME-BROCKINGTON EXT 58357

TO BE FILLED OUT BY COUNTY CLERK

ACCEPTED BY:

DATE:

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

STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIVED

MAR 24 2003

Receipt # 200300072

RIVERSIDE COUNTY FLOOD CONTROL  
WATER CONSERVATION DISTRICT

Lead Agency: COUNTY FLOOD CONTROL Date: 01/30/2003

County Agency of Filing: Riverside Document No: 200300072

Project Title: MURRIETA CREEK FLOOD CONTROL

Project Applicant Name: COUNTY FLOOD CONTROL Phone Number: \_\_\_\_\_

Project Applicant Address: 1995 MARKET ST. RIVERSIDE CA 92501

Project Applicant: Local Public Agency

CHECK APPLICABLE FEES:

- Environmental Impact Report \$850.00
- Negative Declaration \_\_\_\_\_
- Application Fee Water Diversion (State Water Resources Control Board Only) \_\_\_\_\_
- Project Subject to Certified Regulatory Programs \_\_\_\_\_
- County Administration Fee \$64.00
- Project that is exempt from fees (DeMinimis Exemption)
- Project that is exempt from fees (Notice of Exemption)

Total Received \$914.00

Signature and title of person receiving payment: C. Kohler

Notes:

Board of Supervisors

Riverside County Flood Control  
and Water Conservation District

**RESOLUTION NO. F2014-36  
CERTIFYING THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND  
MITIGATION MEASURES PURSUANT TO THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT (CEQA), AND APPROVING THE MURRIETA CREEK FLOOD CONTROL,  
ENVIRONMENTAL RESTORATION AND RECREATION PROJECT-  
PROJECT COOPERATION AGREEMENT AMENDMENT NO. 1**

WHEREAS, the previously approved Murrieta Creek Flood Control, Environmental Restoration and Recreation Project (Project) stretches from approximately the U.S. Geological Survey (USGS) stream gage south of Old Town Temecula to Vineyard Parkway/Lemon Street in the city of Murrieta; and

WHEREAS, on September 9, 2003 (Agenda Item No. 11.4), the Riverside County Flood Control and Water Conservation District (District) Board of Supervisors approved a Project Cooperation Agreement (PCA) with the U.S. Army Corps of Engineers (USACE); and


WHEREAS, the PCA set forth the terms and conditions by which the USACE would design and construct the Project and fund up to 65% of the Project's total cost and formalized the District's commitment to provide the local cost share, and outlined its responsibilities to provide right of way, utility relocations, and to operate and maintain the Project after construction; and

WHEREAS, in December 2004, USACE completed construction of a portion of the Project ("Phase I") in the city of Temecula; and

WHEREAS, inasmuch as the last federal appropriation for Project construction occurred in 2003, the District, proposes to utilize local funds to expedite the award of a USACE administered "Phase II" construction contract; and

WHEREAS, prior to accepting local funds in advance of any corresponding federal appropriation, USACE must first amend the existing PCA to specifically authorize its receipt of "Accelerated Funds"; and

WHEREAS, it is anticipated that Phase II of the Project will be constructed using solely local funds; and

FORM APPROVED COUNTY COUNSEL  
BY:  AARON C. GETTIS  
DATE: 7-31-14

1 WHEREAS, Phase II, which is proposed to be funded by Accelerated Funds through PCA  
2 Amendment No. 1, covers about 13,000 linear feet of channel through Old Town Temecula beginning  
3 downstream of First Street and ending just upstream of Winchester Road; and

4 WHEREAS, pursuant to the National Environmental Policy Act (NEPA) and CEQA, the USACE  
5 prepared and circulated for public review a draft Environmental Impact Statement/Environmental Impact  
6 Report (EIS/EIR) in September 2000 and as required by CEQA and as the CEQA lead agency, the  
7 District Board of Supervisors certified the EIS/EIR and adopted Resolution No. F2003-01 (Agenda No.  
8 11.5 January 28, 2003), which authorized the District to proceed with the Project; and

9 Whereas, the District Board of Supervisors determined the environmental impacts were adequately  
10 addressed in the EIS/EIR, selected Alternative 6 as a suitable design to meet the Project objectives while  
11 reducing impacts to the greatest extent feasible, incorporated all reasonable mitigation measures, and  
12 included findings and a statement of overriding considerations for unavoidable significant effects to  
13 Socioeconomics, Land Use, and unavoidable, but temporary, Air Quality impacts; and

14 WHEREAS, pursuant to Section 18 of the District Act, a Public Hearing was held on January 28,  
15 2003 and the Board of Supervisors authorized the District to proceed with Phase II of the Project; and

16 WHEREAS, Phase II is a discrete component of the Project that was fully analyzed in the previous  
17 EIS/EIR; and

18 WHEREAS, within the Western Riverside County Multiple Species Habitat Conservation Plan  
19 (WRCMSHCP) Criteria Area, only flood control facilities (improvements and new construction) that are  
20 undertaken by a Permittee are Covered Activities (WRCMSHCP Vol. 2, Section 7.3.7); and

21 WHEREAS Table 7-14 of Potential Flood Control Facilities in Section 7.3.7 of the WRCMSHCP  
22 does not include the Project; and

23 WHEREAS, pursuant to NEPA and CEQA, the USACE, acting as the Federal lead agency and the  
24 District as CEQA lead agency, have prepared a Final Supplemental Environmental  
25 Assessment/Environmental Impact Report for Phase II (hereinafter referred to as the "SEA/SEIR") to the  
26 2000 Project EIS/EIR (SCH No. 2000071051) in order to address minor design refinements to the original  
27  
28

1 Phase II design approved as part of the original EIS/EIR (herein referred to as "Modified Phase II" or  
2 "Modified Phase II Project"); and

3 WHEREAS, as contained herein, the District has endeavored in good faith to set forth the basis for  
4 its decision on the Project, including the Modified Phase II; and

5 WHEREAS, all potentially significant adverse environmental impacts associated with the  
6 Modified Phase II Project were analyzed appropriately in the SEA/SEIR; and

7 WHEREAS, the SEA/EIR concludes that environmental impacts associated with the Modified  
8 Phase II Project are not substantially different with respect to the original Phase II design as documented  
9 in the original EIS/EIR and that only minor additions and changes are necessary to make the original  
10 EIS/EIR adequate pursuant to NEPA and CEQA; and

11 WHEREAS, all procedures of CEQA and the District's CEQA implementing rules have been  
12 satisfied, and the SEA/EIR (State Clearing House No. 2000071051) is sufficiently detailed so that all of  
13 the potentially direct, indirect, and cumulative significant physical environmental effects of the Modified  
14 Phase II are analyzed and all mitigation measures necessary to avoid or substantially lessen such effects  
15 have been evaluated in accordance with CEQA; and

16 WHEREAS, the prior EIS/EIR included a detailed analysis of Project alternatives for all phases  
17 and components of the Project, including Phase II, the SEA/SEIR is only comparing the chosen  
18 alternative from the EIR/EIS and minor design modifications and additions as required for a  
19 Supplemental EIR pursuant to CEQA; and

20 WHEREAS, all of the findings and conclusions made by the District Board of Supervisors  
21 pursuant to this Resolution are based upon the entire record, including oral and written evidence presented  
22 to it as a whole, and are not based solely on the information provided in the Resolution, and the Board has  
23 reviewed and considered this information prior to approving Amendment No. 1 to the PCA; and

24 WHEREAS, environmental impacts identified in the SEA/SEIR that the District finds will either  
25 have no impact or are less than significant and do not require mitigation are described below in Section I;  
26 and



1           WHEREAS, the environmental impacts identified in the SEA/SEIR as potentially significant but  
2 which the District finds can be mitigated to less than significant through the implementation of  
3 environmental commitments (mitigation measures) are further described below in Section II; and

4           WHEREAS, the environmental cumulative impacts identified in the SEA/SEIR that the District  
5 finds will either have no impact or are less than significant and do not require mitigation, or which the  
6 District finds can be mitigated to less than significant through the implementation of environmental  
7 commitments (mitigation measures) are further described below in Section III; and

8           WHEREAS, the Environmental Commitments and the Mitigation Measures, which is attached  
9 hereto as Exhibit "A" and incorporated herein by this reference, environmental commitments (mitigation  
10 measures) to be incorporated therein; and

11           WHEREAS, the District Board of Supervisors is acting as lead agency under CEQA and the  
12 USACE is the lead Federal agency for the Modified Phase II Project under NEPA; and

13           WHEREAS, the District and the USACE agreed to prepare the NEPA/CEQA document jointly for  
14 the sake of efficiency and to avoid duplication of effort; and

15           WHEREAS, the USACE has determined the Modified Phase II changes under NEPA meets the  
16 definition of a Finding of No Significant Impact (FONSI) as described under 40 CFR 1508.13; and

17           WHEREAS, the SEA/SEIR, the Environmental Commitments and the Mitigation  
18 Monitoring/Reporting Program are incorporated herein by this reference in their entirety; and

19           WHEREAS, the Project Cooperative Agreement Amendment No. 1 for the Project, is on file with  
20 the Clerk of the Board of Supervisors; and   WHEREAS, on August 5, 2014 the District Board of  
21 Supervisors conducted a hearing on the Modified Phase II Project, at which time the matter was discussed  
22 fully with testimony and documentation presented by the public and affected government agencies; and

23           WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;

24           NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of  
25 Supervisors of the Riverside County Flood Control and Water Conservation District, State of California,  
26

1 in regular session assembled on August 5, 2014, based upon the evidence and testimony presented on the  
2 matter, both written and oral, including the SEA/SEIR, that:

- 3       A.     The Modified Phase II includes the following changes from the original design evaluated  
4             in the EIS/EIR: (1) channel modification from the confluence with Santa Gertrudis Creek  
5             (200 feet upstream of Winchester Road) to 1,000 feet downstream of 1st Street,  
6             approximately 13,000 feet in length; (2) replacement of gabions with soil cement in areas  
7             with less than a 2:1 (horizontal:vertical) slope and buried riprap in areas with a 2:1 and 3:1  
8             slope; (3) excavation depth would range from 2 feet to 11 feet depending on the location  
9             along the creek; (4) addition of five maintenance access ramps in four locations; (5)  
10            placement of fourteen drop inlets (manholes) along the maintenance road path to allow  
11            drainage into the creek; (6) removal of the Via Montezuma Road dip crossing; (7)  
12            placement of four grade control or stabilizer structures; (8) construction of a maintenance  
13            road on both sides of the channel; the west side maintenance road would also be used as a  
14            recreation trail for pedestrians, bicyclists, and equestrians; the east bank would be used as a  
15            pedestrian and bicycle trail; and (9) the proposed unmaintained riparian/low-flow corridor  
16            has been redesigned to maximize the extent and quality of riparian and aquatic habitat  
17            ranging between 35 feet and 150 feet in width, with an average width of approximately 70  
18            feet.
- 19       B.     Construction of the Modified Phase II Project is not a covered activity and is not subject to  
20             the requirements of the Western Riverside County Multiple Species Habitat Conservation  
21             Plan (WRCMSHCP).
- 22       C.     Through implementation of the required revegetation plan, construction activities  
23             associated with the Modified Phase II Project would yield a net increase in both habitat  
24             quality and acreage for riparian and upland habitat.
- 25       D.     The environmental effects of the Modified Phase II Project have been adequately  
26             addressed in the SEA/SEIR and the proposed modification will not significantly impact  
27             any resources other than those described in the previously prepared environmental  
28

documents and the change in channel configuration from the original design will lessen the Modified Phase II Project impacts and the minor changes in design and configuration will not result in any significant impacts upon the existing environment.

Section I.

NOW, THEREFORE, BE IT FURTHER RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District that the following potential environmental impacts associated with the Modified Phase II Project have been identified as being less than significant and, therefore, do not require project-specific mitigation.

A. Geology and Soils

1. Impacts:

During construction of the Modified Phase II Project, there would be substantial disturbance of existing topsoil in the channel invert associated with excavation activities to deepen the channel. However, the composition of the newly exposed substrate would remain the same. The loss of alluvial substrate would be temporary, since sedimentation from future flows through the project area would replace the excavated topsoil. Upon completion of construction, the general topography of the channel would largely remain the same; the channel would be slightly wider and deeper. The discharge of riprap would be limited to the banks of the channel. Furthermore, the discharge materials would be natural substrate (i.e. soil cement and rip rap) which are chemically inert. The Main Street bridge replacement would not be included in the Modified Phase II. Accordingly, there would be no discharge of concrete for the construction of bridge piers and abutments. (Final SEA/SEIR, pp. 32 to 34.)

Compared to the original design, the Modified Phase II would lengthen the project footprint by 200 feet, resulting in a length increase of 1.6%. But it would

1 decrease the volume of excavation by 148,481 cubic yards, resulting in a decrease  
2 of approximately 13.5%. (Final SEA/SEIR, pp. 32 to 33.)

3 Future maintenance activities would be regularly conducted within the  
4 Project area by the District. With the exception of the length increase of 1.6%, the  
5 operations and maintenance activities under the Modified Phase II Plan would  
6 remain unchanged. The SEA/SEIR concluded the 1.6% increase would not result in  
7 any substantial impacts related to Geology and Soils. (Final SEA/SEIR, pp. 34 to  
8 35.)

9 2. Finding:

10 The Modified Phase II Project is not anticipated to cause an increase in the  
11 severity of any impacts or result in any new impacts beyond those previously  
12 evaluated for the original EIR/EIS. Impacts related to geology and soils are  
13 anticipated to remain less than significant. (*Id.*)

14 B. Greenhouse Gases

15 1. Impacts:

16 Evaluation of the impacts related to greenhouse gases (GHGs) was not  
17 required at the time of the original EIR/EIS. Accordingly, there are no GHG data  
18 available for comparison in this SEA/SEIR. Regardless, modeling for GHGs for  
19 the Modified Phase II Project was completed. The SEA/SEIR determined the  
20 Modified Phase II would yield 894 metric tons (MT) per year of CO<sub>2</sub>eq in 2013,  
21 and 428 MT per year in 2014 during construction of the project. Operations and  
22 maintenance activities would vary in size, scope, and intensity of air quality  
23 impacts, with larger operations such as the removal of sediment and debris from the  
24 channel, emitting GHG emissions that would be similar to construction-related  
25 emissions. Smaller operations such as removal of weeds from the soil-cement  
26 riprap embankment would entail little or no GHG emissions. (Final SEA/SEIR, pp.  
27 144 to 145.)  
28

1           The SEA/SEIR compared the anticipated emissions against the South Coast  
2           Air Quality Management District's 10,000 MT/yr CO<sub>2</sub>eq for industrial facilities to  
3           determine whether emissions of GHGs were significant and concluded that  
4           emissions during either construction or operations of the Modified Phase II Project  
5           would not result in a significant impact related to GHGs. (*Id.*)

6           2.    Finding:

7           The Modified Phase II Project is not anticipated to cause an increase in the  
8           severity of any impacts or result in any new impacts beyond those previously  
9           evaluated for the original EIR/EIS. Regardless, mitigation measures AQ-1 through  
10          AQ-9 related to Air Quality impacts will further reduce the already less than  
11          significant impacts related to GHGs (See Air Quality in Section II below). Impacts  
12          related to GHGs are anticipated to remain less than significant. (*Id.*)

13          C.    Land Use

14          1.    Impacts:

15          The original EIR/EIS determined the design was consistent with the Water  
16          Resources Element, Open Space and Habitat Conservation Element of the Western  
17          Riverside Subregional Comprehensive Plan (SRCP). In addition, the design was  
18          determined to be in conformance with SRCP policies related to Water Quality and  
19          Quality of Life, as well as the Southern California Association of Governments  
20          Regional Comprehensive Plan and Guide. The Modified Phase II Project is  
21          approximately the same as the original design as it relates to the channel  
22          modifications and the staging and storage areas. The Modified Phase II Project  
23          would continue to be consistent with the applicable plans and policies of the City of  
24          Temecula. Future maintenance activities would be conducted within the impact  
25          area by the District. Monitoring and maintenance of the restoration areas would be  
26          the responsibility of the USACE for 5 years after completion of construction.  
27          Activities that result in the discharge of dredged or fill material into waters of the  
28

1 United States would be subject to Section 404 of the Clean Water Act implemented  
2 by the USACE Regulatory program. The changes in the Modified Phase II  
3 indicated above would entail only minor changes to construction, operations, and  
4 maintenance activities associated with the original design. (Final SEA/SEIR, pp.  
5 148 to 150.)

6 2. Finding:

7 The Modified Phase II is not anticipated to cause an increase in the severity  
8 of any impacts or result in any new impacts beyond those previously evaluated for  
9 the original EIR/EIS. Impacts related to land use are anticipated to remain less than  
10 significant. (Final SEA/SEIR, pp. 149 to 150.)

11 D. Aesthetics

12 1. Impacts:

13 The Modified Phase II would entail the same impacts as the original Phase  
14 II design with the exception of the following changes. First, the Modified Phase II  
15 Project would incorporate a larger vegetated corridor within the channel invert,  
16 from 20 to 60 feet to approximately 35 to 150 feet. Therefore, there would be a  
17 slight increase in vegetation within the viewscape of the channel. Second, the  
18 gabion embankments from the original design would be replaced with soil cement  
19 embankment in the Modified Phase II Project. The texture and color of the soil  
20 cement embankment would more closely match the existing surrounding and have  
21 a less engineered appearance. (Final SEA/SEIR, p. 152.)

22 Future maintenance and monitoring activities for either design would be  
23 regularly conducted within the Modified Phase II Project area by the District and  
24 monitoring and maintenance of the restoration areas would be the responsibility of  
25 the USACE for 5 years after completion of construction. This would help ensure  
26 the restoration activities would be implemented, leading to less than significant  
27 aesthetic impacts. The changes in the Modified Phase II Project indicated above  
28

1 would entail only minor changes to construction, operations, and maintenance  
2 activities associated with the original design. (*Id.*)

3 2. Finding:

4 The Modified Phase II is not anticipated to cause an increase in the severity  
5 of any impacts or result in any new impacts beyond those previously evaluated for  
6 the original EIR/EIS. Impacts related to aesthetics are anticipated to remain less  
7 than significant. (Final SEA/SEIR, pp. 152 to 153.)

8 E. Recreation

9 1. Impacts:

10 There are existing passive recreational resources located on the banks  
11 adjacent to Murrieta Creek, including pedestrian trails and bicycling paths, and two  
12 recreational parks nearby. Similar to the original design, the Modified Phase II  
13 would result in temporary impacts to existing recreational resources. Access to  
14 trail segments adjacent to the creek would be temporarily restricted in areas that are  
15 adjacent to active construction operations. However, in areas where no active  
16 construction is present, access to the trails would be maintained. The Modified  
17 Phase II would not disrupt any planned recreational resources within the study area.  
18 Similar to the original design, the Modified Phase II would provide long-term  
19 positive recreational benefits. Potential impacts to recreational resources from  
20 future operation and maintenance activities would be limited to temporary  
21 restricted access to segments of the trail system, where necessary, for repairs to the  
22 maintenance road, maintenance of the channel slope and bottom, or in cases where  
23 sediment removal may be required. Similar to the original project design, impacts  
24 related to Modified Phase II Project would be less than significant. (Final  
25 SEA/SEIR, pp. 165 to 166.)

26 2. Finding:

1                   The Modified Phase II Project is not anticipated to cause an increase in the  
2 severity of any impacts or result in any new impacts beyond those previously  
3 evaluated for the original EIR/EIS. Impacts related to recreation are anticipated to  
4 remain less than significant. (Final SEA/SEIR, p. 166.)

5 F. Socioeconomic/Environmental Justice

6 1. Impacts:

7                   The original Phase II design, along with the Modified Phase II, would  
8 reduce the risk for periodic flooding of the adjacent built environment, and thus  
9 would benefit the local and regional economy. During construction, the Modified  
10 Phase II would provide limited, short-term, construction-related employment.  
11 Construction would require approximately 40 construction laborers. The duration  
12 of construction would be approximately 18 months – as compared to 15 months for  
13 the original design. Construction work would indirectly benefit the local and  
14 regional economy through purchases of supplies and services. Once the Modified  
15 Phase II Project is operational, monitoring and maintenance of the restoration areas  
16 would be the responsibility of the USACE for 5 years after construction. If these  
17 activities are contracted to private entities, then there will be a direct and temporary  
18 benefit to construction-related employment. The work would not require additional  
19 housing for construction laborers since the project is readily within commuting  
20 distance from Los Angeles, San Bernardino, Orange, and Riverside counties.  
21 Therefore, there would be no changes to housing characteristics locally or  
22 regionally. Furthermore, the work would not entail the construction of  
23 infrastructure or utilities that would result in growth of the surrounding area, nor  
24 would the work increase capacity of existing infrastructure that would induce  
25 growth. Therefore, there would be only minimal impacts to the socioeconomic  
26 profile of the City of Temecula and Riverside County. (Final SEA/SEIR, pp. 168  
27 to 169.)  
28



Potential short-term impacts to the environment would vary with respect to the size, scope, and type of operations and maintenance activities undertaken. With respect to the larger demographics of Riverside County, the Temecula has a lower percentage of non-white minorities with the exception of Asians. The percentage of Blacks, the American Indians/Alaskan Natives, and Hispanics are lower. Therefore, Temecula does not feature a disproportionately large minority population relative to Riverside County. With respect to income and poverty, Temecula has a higher median household income and a low percentage of persons below poverty level. Therefore, neither the original or the Modified Phase II design would disproportionately affect low-income or minority populations. (Final SEA/SEIR, pp. 169 to 170.)

2. Finding:

The Modified Phase II Project is not anticipated to cause an increase in the severity of any impacts or result in any new impacts beyond those previously evaluated for the original EIR/EIS. Impacts related to socioeconomics and environmental justice is anticipated to remain less than significant. (*Id.*)

G. Growth-Inducing Impacts

1. Impacts:

Both the original and the Modified Phase II Project designs would provide a 100-year flood level protection to the commercial and industrial areas immediately adjacent to the Phase II reach. The Modified Phase II would not increase flood protection in undeveloped areas that would induce growth. The projected 17% increase in population would occur in the eastern portion of Temecula that is outside of the affected flood plain. The changes in the design as compared to the original project would entail only minor changes related to construction, operations, and maintenance activities. (Final SEA/SEIR, pp. 171 to 172.)

2. Finding:

1                   The Modified Phase II Project is not anticipated to cause an increase in the  
2 severity of any impacts or result in any new impacts beyond those previously  
3 evaluated for the original EIR/EIS. Impacts related to growth-inducement are  
4 anticipated to remain less than significant. (*Id.*)

5           Section II.

6           NOW, THEREFORE, BE IT FURTHER RESOLVED, FOUND, DETERMINED, AND  
7 ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation  
8 District that the following potential environmental impacts associated with the Modified Phase II have  
9 been identified as being less than significant through identified project-specific mitigation for the  
10 individual impacts.

11           A.     Water Resources

12                   1.     Impacts:

13                   The Modified Phase II would also widen and deepen the channel.  
14 However, the length of the channel being modified would be extended by  
15 approximately 200 feet. Due to the steeper 2:1 slopes allowed by the use of soil  
16 cement embankment, the channel would be slightly wider, and therefore the  
17 volume of material excavated from the channel would be less. In particular,  
18 Modified Phase II would decrease the volume of excavation by 148,481 cubic  
19 yards, resulting in a decrease of approximately 13.5% when compared to the  
20 original design. The SEA/SEIR determined that impacts to flooding remain  
21 unchanged and the Modified Phase II Project would increase the flood conveyance  
22 capacity and provide approximately a 100-year level of flood protection. (Final  
23 SEA/SEIR, p. 40.)

24                   The acreage of channel that would be disturbed would be slightly larger  
25 since the length of the channel being modified would be extended by  
26 approximately 200 feet, yet the Modified Phase II would decrease the volume of  
27 excavation by 148,481 cubic yards, resulting in a decrease of approximately 13.5%.

1 The SEA/SEIR determined that potential impacts to surface water quality would  
2 likely remain the same. There would be substantial disturbance to substrate during  
3 construction that could impact water quality. However, all construction and  
4 maintenance activities will not be conducted from December 1 through February 28  
5 in order to avoid winter rains and to correspondingly reduce the potential for water  
6 quality impacts. Furthermore, work areas would be isolated from active flows to  
7 prevent or minimize turbidity during construction. There would be a temporary  
8 increase in turbidity when initial water flows across disturbed areas introduce  
9 unconsolidated or loose topsoil into the water column. However, since most of the  
10 substrate is alluvial, sand and gravel are expected to quickly settle out of the water  
11 column. The use of earth moving equipment within the channel could impact water  
12 quality by introducing oils and solvents to the work area. However, the  
13 implementation of best management practices would minimize the potential for  
14 accidental releases and spills. Moreover, all terms and conditions of the Section  
15 401 Water Quality Certification (File No. 03C-046, August 15, 2003) would be  
16 implemented. (Final SEA/SEIR, pp. 40 to 41.)

17 Construction would entail excavation and grading across approximately 70  
18 acres of the channel. The elevation of the channel invert would be lowered by  
19 approximately 8 feet. The Modified Phase II Project would construct three  
20 permanent and one temporary grade control or stabilizer structures. These concrete  
21 structures are not permeable. Therefore, similar to the original design, the Modified  
22 Phase II would reduce the amount of area available for groundwater recharge by  
23 possibly 0.4 acre. The earthen embankments would be excavated and lined with  
24 soil cement embankments which are not permeable. In contrast to the Modified  
25 Phase II Plan, the soil cement embankments would not be permeable. However, the  
26 Modified Phase II would entail construction of steeper slopes at various reaches  
27 and the embankments available for groundwater recharge would be minimal.

1 During construction, there would be substantial disturbance of existing topsoil in  
2 the channel invert associated with excavation activities to widen and deepen the  
3 channel. However, the composition of the newly exposed substrate would remain  
4 the same, and would still allow for groundwater recharge. (Final SEA/SEIR, p. 41.)

5 For either design, operations and maintenance activities would be  
6 undertaken to maintain the integrity of the built structures and the design  
7 configuration of the channel to maintain a 100-year level of flood protection.  
8 Regular mowing of the channel invert outside of the unmaintained riparian/low-  
9 flow corridor and debris and sediment removal from the channel would entail a  
10 limited number of mechanized or earth moving equipment working within the  
11 channel invert. As a result, there would be disturbance to substrate during  
12 operations and maintenance activities that could impact water quality. However,  
13 with the exception of emergency maintenance activities, operations and  
14 maintenance activities would not be conducted from December 1 through February  
15 28 in order to avoid winter rains and to correspondingly reduce the potential for  
16 water quality impacts. Furthermore, work areas would be isolated from active flows  
17 to prevent or minimize turbidity during construction. There would be a temporary  
18 increase in turbidity when initial water flows across disturbed areas introduce  
19 unconsolidated or loose topsoil into the water column. Since most of the substrate  
20 is alluvial, sand and gravel are expected to quickly settle out of the water column.  
21 The use of earth moving equipment within the channel could impact water quality  
22 by introducing oils and solvents to the work area. However, the implementation of  
23 best management practices would minimize the potential for accidental releases and  
24 spills. Moreover, all terms and conditions of the 401 Water Quality Certification  
25 would be implemented. (Final SEA/SEIR, pp. 41 to 42.)

26 Maintenance of the soil cement riprap embankments or maintenance of the  
27 grade control or stabilizer structures would in most cases entail a like-for-like  
28

1 replacement of existing structures, and therefore would not increase impermeable  
2 surface area within the channel invert. In some cases, maintenance may require  
3 minor extension of the grade control or stabilizer structures such as concrete aprons  
4 which may increase the impermeable surface area. Given the approximately 70  
5 acres of native substrate within the channel, impacts to groundwater recharge due  
6 to increases in impermeable surface area would be minimal. Other operations and  
7 maintenance activities would not affect groundwater and water supply. (Final  
8 SEA/SEIR, p. 42.)

9 2. Finding/Mitigation:

10 The Modified Phase II Project is not anticipated to cause an increase in the  
11 severity of any impacts or result in any new impacts beyond those previously  
12 evaluated for the original EIR/EIS. Regardless, the following environmental  
13 commitments (mitigation measures) will be incorporated as part of the Modified  
14 Phase II Project. (Final SEA/SEIR, pp. 42 to 44.)

15 W-1 Channel construction and routine maintenance activities will not be  
16 conducted if bank to bank flows exist and during rain events to  
17 reduce the potential for significant impacts to water quality. The  
18 construction contractor will monitor and record weather reports for  
19 any indication of potential rain events. The contractor shall divert  
20 the low flow channel consistent with the Storm Water Pollution  
21 Prevention Plan (SWPPP) and regulatory permits to minimize  
22 working within the live channel. Construction activities shall  
23 conform to the requirements of the State-wide National Pollutant  
24 Discharge Elimination System (NPDES) General Permit (Board  
25 Order No. 2009-0009-DWQ, NPDES No. CA000002 as amended by  
26 Board Order No. 2010-0014-DWQ) for Stormwater Discharges  
27 Associated with Construction and Land Disturbance Activities. The  
28

1 SWPPP created and implemented pursuant to the NPDES General  
2 Construction Permit requirements shall also include provisions  
3 identified in the Section 401 water quality certification for the  
4 project and requirements of the current Construction Permit.

5 W-2 During construction and maintenance activities, equipment will be  
6 in proper working condition and inspected for leaks and drips on a  
7 daily basis prior to commencement of any in-channel work.

8 W-3 Implement a spill prevention and remediation plan and construction  
9 workers will be instructed as to its requirements. Construction  
10 supervisors and workers would be instructed to (1) be alert for  
11 indications of equipment related contamination such as stains and  
12 odors, keep spill kits containing absorbent materials at the  
13 construction site, and (2) respond immediately with appropriate  
14 actions as detailed in the spill prevention and remediation plan if  
15 indications of equipment-related contamination are noted. District  
16 will implement its standard Hazardous Waste Disposal (i.e. Safety  
17 and Operations Manual Procedure #28) to address any hazardous  
18 material spills while conducting maintenance activities.

19 W-4 During construction and maintenance activities, fuels, solvents, and  
20 lubricants would be stored such that potential spills and/or leaks will  
21 be contained. Soil contamination resulting from spills and/or leaks  
22 would be remediated as required by Federal and/or state law.  
23 Storage areas would be constructed so that containers would not be  
24 subjected to damage by construction and maintenance equipment.  
25 District will implement its standard Hazardous Waste Disposal (i.e.  
26 Safety and Operations Manual Procedure #28) to address any  
27 hazardous material spills while conducting maintenance activities.  
28

- 1 W-5 Implement appropriate best management practices (BMPs) during  
2 construction and maintenance to minimize soil erosion and transport  
3 of pollutants, and train operators.
- 4 W-6 Whenever possible, confine construction work within the flood  
5 control channel to low-flow periods. All construction and routine  
6 maintenance activities within the channel would be limited during  
7 wet weather. Construction contracts shall include specifications for  
8 construction material stockpiling, channel slope protection, grading,  
9 levee openings, and excavation.
- 10 W-7 Construct sediment barriers (e.g. sandbags, silt fence, temporary  
11 containment dam) downstream of each major construction operation  
12 to trap sediments.
- 13 W-8 Conduct dewatering operations behind temporary sheet pile  
14 cofferdams. Groundwater dewatering operations shall be conducted  
15 in accordance with the requirements of the latest San Diego  
16 Regional Water Quality Control Board's General Waste Discharge  
17 Requirements (e.g. Regional Board Order No. R9-2008-0002), if  
18 applicable.
- 19 W-9 Cover and secure stockpiles of bulk granular building materials
- 20 W-10 Stabilize any areas of exposed soil, such as dirt stockpiles, dirt  
21 berms, and temporary dirt roads, with controlled amounts of  
22 sprinkled water.
- 23 W-11 At the close of each working day, sweep up any materials tracked  
24 onto the street or laying uncontained in the construction areas, and  
25 dispose of any trash accumulated in construction areas.
- 26 W-12 Contain concrete, asphalt, and masonry wastes and dispose of these  
27 wastes away from project construction sites.
- 28

1 W-13 Prohibit the storage of fuels and other hazardous materials and  
2 refueling and maintenance of equipment and vehicles near the flood  
3 control channel. Prohibited locations shall include all land and  
4 structures (e.g. bridges) within 50 feet of the creek.

5 W-14 Required Opinions, Concurrences, and Permits: Applicable  
6 Regulatory Section 404 Permit (District to obtain for operation and  
7 maintenance activities); Section 401 Water Quality Certification;  
8 Section 402 National Pollution Discharge Elimination System  
9 General Construction; A Storm Water Pollution Prevention Plan will  
10 be prepared and implemented during construction.

11 B. Biological Resources

12 1. Impacts:

13 Impacts to biological resources relative to construction of the entire Project  
14 area were extensively analyzed in the original EIS/EIR. Impacts to biological  
15 resources are expected from removal of vegetation, construction noise, and water  
16 turbidity. Implementation of the Modified Phase II Project would result in  
17 temporary, periodic and permanent effects to native and non-native vegetation  
18 within the proposed impact area of the overall Project. Direct impacts to native and  
19 non-native plant communities would occur as a result of the removal of vegetation  
20 during construction activities. These ground-disturbing construction activities  
21 include clearing and grading for construction preparation, and establishing a batch  
22 plant, staging area, equipment storage area, a temporary disposal site, access roads  
23 and ramps, and side drain and drainage connections. There would also be direct  
24 impacts to areas within the project right-of-way (ROW) and temporary construction  
25 easement (TCE) areas outside of the creek channel, excluding any buildings and the  
26 existing recreational trail on the west side of the creek. Implementation of the  
27 Modified Phase II would disturb a total of approximately 122.42 acres of "habitat",  
28



1 of which 69.12 acres would be temporarily disturbed, 41.19 would be periodically  
2 disturbed, and 12.11 acres would be permanently disturbed. Temporary and  
3 permanent impacts would be mitigated on-site through removal of non-native  
4 vegetation, restoring native habitat in its place, increasing the amount of vegetation  
5 on the channel slopes, and decreasing the area subject to routine maintenance.  
6 Overall, approximately 47.57 acres of non-native habitat will be removed and  
7 replaced with native vegetation. Potential indirect impacts to native vegetation  
8 communities could include alterations in existing topography and hydrologic  
9 regimes, the accumulation of fugitive dust, disruption of native seed banks due to  
10 ground disturbance, and the potential colonization of non-native, invasive plant  
11 species. (Final SEA/SEIR, p. 73.)

12 The most substantial change (benefit) compared to existing conditions is in  
13 terms of routine maintenance. Under the current, authorized and permitted July  
14 1999 Murrieta Creek Channel Maintenance Plan (CMP), the District may annually  
15 mow up to approximately 62.4 acres of wetland, riparian and other habitat types  
16 growing within the channel invert.—Less frequent mowing (every 2 to 4 years)  
17 occurs within an estimated additional 8.4 acres of the CMP "vegetated corridor"  
18 increasing the habitat function, since the routinely mowed area is reduced to  
19 approximately 41.19 acres within the channel invert. Approximately 23.67 acres of  
20 riparian habitat will be restored and will no longer be subject to mowing or  
21 sediment removal, and approximately—20.46 acres of channel side slopes will be  
22 covered with soil and the bank slope will be planted with upland coastal sage scrub  
23 species. Approximately 24.17 acres of native landscaping will be established in the  
24 right-of-way on the top of the channel banks adjacent to the maintenance roads and  
25 trails. (Final SEA/SEIR, p. 74.)

26 The Modified Phase II Project would widen and deepen the existing  
27 channel. Routine maintenance (mowing) will continue to occur in this area. This  
28

1 activity, along with occasional flood flows, will keep any vegetated communities  
2 within the maintenance area in an early successional state. Most of this area will  
3 not be permanently affected by the proposed construction, and approximately 23.67  
4 acres along the eastern side of the channel will be removed from the channel  
5 maintenance area and planted as an unmaintained riparian/low-flow zone. (*Id.*)

6 The Modified Phase II will permanently impact 11.93 acres of vegetation  
7 (primarily non-native) that currently exists on and above the banks. To  
8 compensate, native vegetation would be established on the channel banks and on  
9 buried riprap slopes, in place of existing non-native or disturbed habitats. One  
10 temporary and three permanent grade control structures would be constructed as  
11 part of the Modified Phase II Project. The temporary structure (approximately 0.34  
12 acres) would be located at the upstream end of the Phase II area and would be  
13 removed during construction of Phase III at a later date. The permanent structures  
14 (one located upstream of Rancho California Road Bridge and one located at each of  
15 the confluence of Long Canyon and Empire Creeks with Murrieta Creek) would  
16 impact approximately 0.18 acres. The remainder of the channel banks within the  
17 Modified Phase II area would be protected with riprap on the bottom 8 feet of the  
18 slope. The riprap would be covered with soil and the entire bank slope would be  
19 planted with upland coastal sage scrub species (approximately 20.46 acres).  
20 Existing slope conditions are a mix of native and non-native habitats. (Final  
21 SEA/SEIR, pp. 76 to 77.)

22 Temporary impacts to the vegetation communities would be minimized by  
23 implementation of a re-vegetation plan as well as natural recruitment that is likely  
24 to occur with the cessation of construction. This natural passive and active  
25 restoration will be supported by a non-native vegetation removal program that will  
26 continue for at least 5 years following construction. Channel modification,  
27 followed by revegetation of the unmaintained riparian/low flow corridor would  
28

1 have the beneficial effects of reducing the acreage of disturbed and non-  
2 native/exotic habitats and increasing the acreage of undisturbed aquatic and riparian  
3 vegetation communities. Although construction activities will result in the removal  
4 of some southern willow scrub and cottonwood-willow riparian forest habitat, the  
5 development and enhancement of the riparian/low flow corridor (including removal  
6 of existing non-native vegetation) will result in a net increase of high quality  
7 riparian, wetland, and aquatic habitat over time. In addition, the increased width of  
8 the unmaintained riparian/low-flow corridor will provide for an increase in  
9 structural diversity and habitat value compared to existing conditions. Construction  
10 activities will also result in the temporary removal of disturbed Riversidian coastal  
11 sage scrub (CSS) on the banks and outer slopes of the channel. With the  
12 implementation of the proposed revegetation plan, the amount of CSS will increase  
13 dramatically (from 2.16 to 20.46 acres), and impacts will be reduced to less than  
14 significant levels. Temporary impacts will also occur to disturbed upland areas and  
15 non-native grasslands. Disturbed areas dominated by invasive non-native species,  
16 vacant fields and non-native grassland are not regionally unique and do not qualify  
17 as sensitive habitat. As mentioned, the proposed riparian/low flow corridor and  
18 vegetated slopes will provide an increase in habitat value over the existing  
19 disturbed areas. (Final SEA/SEIR, pp. 77 to 78.)

20 As opposed to the original design, channel and bank construction as  
21 proposed in the Modified Phase II Project would not result in a permanent net loss  
22 of sensitive habitat, although it may result in a type conversion from marsh or open  
23 channel habitats to later successional stages such as riparian habitat, due to the  
24 proposed reduction in maintenance. Permanent losses will be avoided by  
25 incorporation of project design measures including the development of an  
26 unmaintained riparian/low flow corridor and implementation of the revegetation  
27 plan. Restoration efforts within the Modified Phase II would result in a net benefit  
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1 to populations of Riversidian coastal sage scrub, jurisdictional wetlands, and  
2 riparian and aquatic habitats. (Final SEA/SEIR, p. 79.)

3 Some smooth tarplant (CNPS List 1B) that occur within the impact area  
4 may be disturbed by heavy equipment and vehicles accessing portions of the creek  
5 banks or removed during grading of the creek channel. The soils along the channel  
6 slopes and on the creek bank are expected to provide a seed source for the smooth  
7 tarplant. Populations of smooth tarplant present in other reaches of the creek,  
8 upstream and downstream of the project area would not be disturbed as a result of  
9 Modified Phase II construction. The impact area has been subject to past ground  
10 disturbance, and smooth tarplant has returned without any restoration measures.  
11 Thus, potential impacts to smooth tarplant are less than significant. Further, the  
12 SEA/SEIR determined that the Modified Phase II Project will have a less than  
13 significant impact on the objectives identified in the WRCMSHCP. (Final  
14 SEA/SEIR, pp. 80 to 81.)

15 Direct effects to jurisdictional waters of the United States would occur from  
16 the Modified Phase II Project. Implementation of the Modified Phase II would  
17 temporarily impact approximately 10.37 acres of non-wetland waters of the U.S.  
18 and 20.41 acres of wetlands. Areas temporarily impacted would be re-vegetated.  
19 The Modified Phase II would periodically impact approximately 14.95 acres of non-  
20 wetland waters of the U.S. and 21.64 acres of wetlands. The periodic impact would  
21 result from the annual mowing of the channel invert to maintain the flow  
22 conveyance capacity of the channel. This maintenance requirement is similar to  
23 that currently on-going within the channel by the District, and would result in less  
24 area impacted compared to the existing maintenance activities (about 29.61 acres).  
25 The design would also result in impacts to approximately 0.93 acres of non-wetland  
26 waters of the U.S. and 0.38 acres of wetlands. The Modified Phase II will also  
27 impact approximately 1.3 acres of Waters of the US, which is roughly 1 acre more  
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1 than the original design, yet the Modified Phase II Project will discharge less fill  
2 then the original design and create more riparian and aquatic habitat. (Final  
3 SEA/SEIR, pp. 81 to 82.)

4 As clarified in the SEA/SEIR, the Modified Phase II Project will have a less  
5 than a significant impact on the WRCMSHCP objectives related to the  
6 conservation of species associated with riparian/riverine areas. To minimize and  
7 compensate for these effects the USACE would implement environmental  
8 commitment (mitigation measure) B21, which requires the restoration of  
9 unmaintained disturbed areas at the conclusion of construction. To avoid and  
10 minimize potential construction impacts the USACE will implement the  
11 WRCMSHCP Construction Guidelines or equivalent measures. The USACE will  
12 restore degraded vegetation communities present in the project area, including  
13 24.15 acres of riparian habitat within the riparian/low-flow corridor and 20.46 acres  
14 of coastal sage scrub along the vegetated slopes. The Modified Phase II also  
15 reduces the existing periodic maintenance mowing implemented by the District by  
16 approximately 29.61 acres. (Final SEA/SEIR, p. 83.)

17 The primary impacts on wildlife species are the disruption of habitat and the  
18 temporary displacement of wildlife. Other elements that could potentially affect  
19 wildlife and wildlife habitat include construction-related noise disturbance,  
20 disruption of movement, and potential wildlife mortality (for any individuals that  
21 do not or cannot evacuate the construction zone). Short-term effects of construction  
22 on wildlife resources would result from wildlife avoidance of the immediate  
23 construction zone. Noise and other disturbances caused by heavy equipment and  
24 construction crews may cause wildlife to move away from the construction zone.  
25 Vegetation clearing and soil excavation could result in the mortality of individual  
26 small reptiles/mammals. Species with limited mobility or that occupy burrows  
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1 within the construction zones, could be crushed during clearing and grading  
2 activities. (Final SEA/SEIR, p. 84.)

3 Riparian vegetation provides necessary foraging, shelter, and nesting habitat  
4 for many bird species. The overall development area contains suitable foraging and  
5 nesting habitat for both resident and migratory birds. Ground-disturbing activities  
6 have the potential to disturb vegetation utilized by wildlife, including nesting birds.  
7 Construction noise could also disrupt breeding birds by interfering with their ability  
8 to hear vocalizations when seeking mates, establishing territories, or warning of  
9 predators. Excessive noise and human presence could also cause some individuals  
10 to abandon their nests. With the exception of a few non-native birds, such as  
11 European starling, any active nest is fully protected against take pursuant to the  
12 Migratory Bird Treaty Act (MBTA) and relevant U.S. Fish and Wildlife Service  
13 (USFWS) and California Department of Fish and Game (CDFG) codes. Therefore,  
14 minimization measures related to seasonal exclusion (i.e., vegetation clearing  
15 outside of the nesting season), pre and post-construction surveys, and/or the  
16 presence of a qualified biological monitor were included to avoid or minimize  
17 impacts. Details of minimization and mitigation techniques are described in  
18 Chapter 9 of the SEA/SEIR. (Final SEA/SEIR, p. 85.)

19 A detailed description of the sensitive wildlife species with potential to  
20 occur in the project area can be found in Section 3.5 of the original EIS/EIR. Four  
21 federally or state listed threatened or endangered wildlife species have moderate to  
22 high potential to occur or are present within the Modified Phase II Project area.  
23 These include least Bell's vireo (*Vireo bellii pusillus*) (Federally Endangered, State  
24 Endangered), coastal California gnatcatcher (*Polioptila californica californica*)  
25 (Federally Threatened), southwestern willow flycatcher (*Empidonax traillii*  
26 *extimus*) (Federally Endangered, State Endangered), and Swainson's hawk (*Buteo*  
27 *swainsoni*) (State Threatened). In addition, several birds protected by the Migratory  
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1 Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGC) have the  
2 potential to nest on-site or in close proximity. Of these species, the least Bell's vireo  
3 (LBVI) has been observed in the overall project area. The coastal California  
4 gnatcatcher (CAGN) has been observed foraging downstream of the Phase I area,  
5 and critical habitat occurs west of the Phase I area ranging from 0.15 to 1.15 miles  
6 away. (Final SEA/SEIR, pp. 85 to 86.)

7 Construction activities would result in temporary, direct loss of 1.56 acres  
8 of riparian habitat that was occupied by LBVI detected in 2011 and 2013. A  
9 majority of the impacted riparian habitat, excluding the occupied 0.4 acres, is  
10 subject to regular maintenance (i.e., mowing) by the District per the CMP. The  
11 Modified Phase II would also result in approximately 2.65 acres of permanent  
12 impacts to riparian habitat. Construction of the flood control channel  
13 improvements would result in the displacement of LBVI, as the available habitat  
14 would be removed. Timing of vegetation removal activities outside the breeding  
15 season would prevent direct impacts to active nests, loss of eggs, and impacts to  
16 reproductive rates. Construction of activities may also result in indirect effects to  
17 LBVI, including increased levels of noise, accumulation of dust, and the  
18 introduction of non-native invasive plant species. Increased noise levels may  
19 impact vocalizations and potential active nests in any adjacent habitat, which may  
20 temporarily depress breeding in the immediate vicinity of the project. Displacement  
21 of birds from the area may also result in increased competition as they seek mates  
22 and resources in adjacent territories along the Murrieta Creek outside of the  
23 Modified Phase II area and in the surrounding region. Construction activities  
24 associated with the Modified Phase II would directly and indirectly affect LBVI,  
25 nest sites, and occupied habitat in the impact area. This disturbance would be  
26 caused primarily by removal of vegetation, as well as construction and drilling  
27 equipment, pile driving, and haul trucks and other vehicles that would be frequently  
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1 driving through and around the area. Due to the length of the Modified Phase II and  
2 the duration of construction, only the segments of channel that would have active  
3 construction would be cleared of vegetation. This will minimize effects to the  
4 riparian habitat by essentially phasing the vegetation removal as construction  
5 progresses. The increased level of noise and activity may displace some  
6 individuals, if present in areas upstream or downstream of the Modified Phase II  
7 impact area, and may prevent nesting, or attempted nests may be abandoned.  
8 However, potential for this to occur is low as construction activities would be  
9 limited to the Phase II project area, and localized to the specific segment that active  
10 construction is taking place. (Final SEA/SEIR, pp. 86 - 89.)

11 Construction activities will be temporary and this project would not  
12 jeopardize the species as a whole or even the entire regional population. Removal  
13 of the vegetation would occur outside the breeding season, which would avoid  
14 direct impacts to nesting birds. Qualified biological monitors would be on site to  
15 monitor construction activities and ensure all avoidance, minimization, and other  
16 environmental commitments are being implemented to minimize impacts to  
17 biological resources. It is anticipated that by the time channel improvements are  
18 constructed at the upper end of the Modified Phase II area, additional suitable  
19 habitat would be available on the Phase I mitigation's riparian corridor, which is  
20 currently in its 3 year of monitoring and maintenance. Additional suitable habitat is  
21 also present just downstream of the Phase I site and further downstream near the  
22 confluence with Temecula Creek, where LBVI have been detected during recent  
23 protocol surveys. Furthermore, the Modified Phase II would mitigate impacts to  
24 riparian and other native habitats by restoring an approximately 24.15 acres  
25 unmaintained riparian/low flow corridor within the channel that would provide  
26 higher quality habitat after construction. This terrace would be planted, weeded,  
27 and maintained after construction to allow for establishment of native riparian  
28



1 habitat. Based on established mitigation at the Phase I site, it is expected that  
2 suitable LBVI habitat would be available in Modified Phase II within 3 to 5 years  
3 after construction. The level of regular maintenance mowing in the Modified Phase  
4 II area would also be reduced. The SEA/SEIR determined the Modified Phase II  
5 Project is consistent with WRCMSHCP conservation objectives and suitable  
6 mitigation and environmental commitments ensure the impacts would remain less  
7 than significant. (Final SEA/SEIR, pp. 90 - 92.)

8 Suitable habitat for the CAGN does not occur within the Modified Phase II  
9 project area; however, critical habitat exists east of the area in the coastal sage  
10 scrub on the Santa Rosa Plateau, ranging from 0.15 to 1.15 miles away. CAGN  
11 have not been identified within the Modified Phase II area, though they have been  
12 incidentally observed foraging in Phase I and further downstream in recent years,  
13 likely a factor of the closer proximity of the Phase I area to suitable habitat. The  
14 Modified Phase II is not expected to affect the CAGN due to the lack of suitable  
15 habitat in the project area and its negative detection of CAGN within the Modified  
16 Phase II limits. Approximately 20.46 acres of coastal sage scrub habitat would be  
17 restored on the channel side slopes, which would benefit the CAGN by providing  
18 more suitable habitat in the impact area. The Modified Phase II will have no effect  
19 on the CAGN, and ESA consultation is not required for this species. (Final  
20 SEA/SEIR, p. 93.)

21 Habitat for SWFL is marginal within the Modified Phase II Project area as  
22 dense riparian habitat is minimal and isolated. The constrained nature of the limited  
23 habitat makes it unlikely that SWFL would occupy this portion of Murrieta Creek.  
24 Protocol surveys were performed in 2008 and no SWFL were identified. Migrating  
25 SWFL may use the project area for stopovers and foraging, however removal of  
26 vegetation due construction of the proposed project is not expected to impact  
27 SWFL due to the availability of habitat in Phase I and in other areas along Murrieta  
28

1 and Temecula Creeks. Implementation of the Modified Phase II would restore  
2 approximately 24.15-acres of higher quality riparian habitat on the unmaintained  
3 riparian/low flow corridor, which may potentially provide suitable SWFL habitat in  
4 the Modified Phase II Project area. The Modified Phase II will have no effect on  
5 the SWFL, and ESA consultation is not required for this species. As described in  
6 the SEA/SEIR, the Modified Phase II will have a less than significant impact on the  
7 WRCMSHCP SWFL conservation. (Final SEA/SEIR, pp. 93 - 95.)

8 The red-legged frog is listed as threatened under the ESA. Focused red-  
9 legged frog surveys were performed in a portion of the Modified Phase II Project  
10 area in 2000. No red-legged frogs were detected. While suitable breeding habitat  
11 for red-legged frog occurs within the area, the closest known occurrence of the  
12 species is in streams draining from the Santa Rosa Plateau. These streams are  
13 frequently scoured during large flood events, which remove suitable habitat that  
14 connects the streams to Murrieta Creek. Suitable habitat may develop in these areas  
15 with the prolonged absence of such scouring flows. However, connectivity from  
16 the Modified Phase II Project area to the Santa Rosa Plateau is currently lacking  
17 due to the lack of base flow to support aquatic species in sections of Murrieta  
18 Creek. Therefore, the Modified Phase II Project area is not known to be occupied,  
19 and potential for red-legged frog in the impact area is, therefore, considered low.  
20 Due to the lack of the red-legged frog's occurrence in the Phase II Project area, the  
21 Modified Phase II would not significantly affect the red-legged frog or its known  
22 habitat. The MSHCP does not have any red-legged frog survey requirements or  
23 conservation objectives identified that apply to the Modified Phase II area. (Final  
24 SEA/SEIR, p. 96.)

25 The Swainson's hawk is not an obligate riparian species; it's occurrence in  
26 riparian habitats is variable and largely dependent on the availability and  
27 distribution of suitable nesting trees and their proximity to foraging habitats. It is  
28

1 not expected that Swainson's hawk would occupy the Modified Phase II area. The  
2 Swainson's hawk may use the area as a migratory corridor and for foraging;  
3 however large open grass/shrub land areas are minimal. While implementation of  
4 the Modified Phase II may remove foraging habitat, additional habitat is available  
5 along Murrieta Creek in the Phase III basin as well as downstream of Phase I. The  
6 MSHCP does not have any Swainson's hawk survey requirements or conservation  
7 objectives identified that apply to the area. The Modified Phase II would not  
8 significantly impact the Swainson's hawk. (Final SEA/SEIR, pp. 96 - 97.)

9 Cooper's hawk has been observed within the Modified Phase II Project area  
10 as well as within the proposed Phase III basin site. Construction would temporarily  
11 impact the occupied habitat due to vegetation removal, construction-related noise,  
12 and traffic. However, due to the length of the Modified Phase II Project and the  
13 duration of construction, only the segments of channel that would have active  
14 construction would be cleared of vegetation. This will minimize effects to the  
15 habitat by essentially phasing the vegetation removal as construction progresses.  
16 With availability of suitable, adjacent habitat, the Modified Phase II would not  
17 impact the species. Further, as described in the SEA/SEIR, the Modified Phase II  
18 will have a less than significant impact on WRCMSHCP Cooper's hawk  
19 conservation. (Final SEA/SEIR, pp. 97 - 98.)

20 Western spadefoot is state-listed species of concern. This species is known  
21 to occur in the watershed. Based on the 2008-2011 vernal surveys, adults and  
22 tadpoles spadefoot had been detected the basin next to Murrieta Creek on the  
23 Murrieta/Temecula border and the Winchester 700A property in Murrieta as part of  
24 the WRCMSHCP Biological Monitoring Program. No survey data is available  
25 within the impact area; however, suitable habitat is present in the Modified Phase II  
26 and III area, near the "swales" and remnant ponds that appear and form from time  
27 to time. Implementation of the Modified Phase II Project would temporarily  
28

1 remove suitable spadefoot habitat, however mitigation activities would restore  
2 habitat along the unmaintained riparian/low-flow corridor and upland coastal sage  
3 scrub slopes. Further, as described in the SEA/SEIR, the Modified Phase II will  
4 have a less than significant impact on WRCMSHCP spadefoot conservation. (Final  
5 SEA/SEIR, pp. 99 - 100.)

6 The black-tailed jackrabbits occupy mixed shrub-grassland terrains. While  
7 implementation of the Modified Phase II may temporarily remove foraging habitat,  
8 additional habitat is available along other sections of Murrieta Creek. Thus, the  
9 Modified Phase II Project would not significantly impact the San Diego black-  
10 tailed jackrabbit. Further, as described in the SEA/SEIR, the Modified Phase II  
11 Project will have a less than significant impact on WRCMSHCP jackrabbit  
12 conservation. (Final SEA/SEIR, pp. 100 - 102.)

13 Potential for burrowing owl in the Modified Phase II Project area is  
14 moderate, and onsite suitable habitat is limited. The area surrounding the impact  
15 area is largely developed, however a minimal area of open non-native grassland  
16 that may support burrowing owl occurs along the Creek upstream of Rancho  
17 California Road. To confirm the current species status, the USACE conducted  
18 burrowing owl "BUOW" habitat assessments/surveys for the Murrieta Creek Phase  
19 I, II, and III project areas in 2013. Phase II burrow survey identified suitable  
20 BUOW burrows within the study area and portions of the 150-m buffer zone.  
21 However, no BUOW or sign of BUOW was observed during the Phase I habitat  
22 assessment or the Phase II burrow surveys. Since the proposed Murrieta Creek  
23 Phase III basin site contained burrows that could be used by BUOW, the USACE  
24 biologists conducted a four-day focused BUOW census and mapping survey. The  
25 study area was unoccupied. However, suitable habitat does occur within the Phase  
26 III study area. A burrow and dead owl were observed in the upstream Phase III  
27 area during LBVI surveys in 2010, approximately 1 mile upstream of the Phase II  
28

1 project area. Based on the survey results above, burrowing owls do not occupy the  
2 Modified Phase II area. 30-day pre-construction surveys will be performed to  
3 confirm that burrowing owl are still absent in the Modified Phase II area. If  
4 burrowing owls are found, they will be relocated outside of the nesting season in  
5 accordance with accepted protocols. With implementation of pre-construction  
6 surveys and the availability of suitable, adjacent habitat, the Modified Phase II  
7 would have less than significant impacts to the burrowing owl. Further, as  
8 described in the SEA/SEIR, the Modified Phase II will have a less than significant  
9 impact on WRCMSHCP burrowing owl conservation. (Final SEA/SEIR, pp. 102 -  
10 105.)

11 Suitable habitat for the southwestern pond turtle currently occurs near the  
12 previously constructed Phase I project area. The WRCMSHCP biological  
13 monitoring program included more recent focused trapping surveys, based on  
14 visual assessment of presence of suitable habitat, for the southwestern pond turtle  
15 in lower Murrieta Creek in September and October 2011 as well as in November  
16 2011 (non-core area of Warm Springs Creek in Murrieta). The results yielded a  
17 total of 13 live pond turtle captures in lower Murrieta Creek downstream of the  
18 Phase I area and none captured in Warm Springs Creek. To ensure that impacts to  
19 the southwestern pond turtle are less than significant, the USACE would implement  
20 environmental commitment (mitigation measure) B-7, which requires trapping in  
21 all suitable pools and relocation by a qualified biologist prior to any construction  
22 related activity and measure B-6A, which requires pre-construction training to  
23 identify such species during construction. Further, as described in the SEA/SEIR,  
24 the Modified Phase II Project will have a less than significant impact on  
25 WRCMSHCP pond turtle conservation. (Final SEA/SEIR, pp. 105 - 108.)

26 Arroyo chub were surveyed downstream of Murrieta Creek Phase I project  
27 area in 1998 and were found in 7 of the 23 defined aquatic habitat types surveyed  
28

1 between the Santa Margarita River and the USGS Murrieta Creek stream gage. In  
2 addition, the perennial discharges into Murrieta Creek upstream of the Modified  
3 Phase II Project from the Santa Rosa Water Reclamation Facility no longer occur.  
4 More recent survey results (i.e. 2010-2011) from the WRCMSHCP biological  
5 monitoring program included arroyo chub surveys on Cole Creek and lower  
6 Murrieta Creek. Arroyo chub was detected during the 2011 Cole Creek survey.  
7 However, the Modified Phase II impact area is downstream of, and separated from,  
8 Cole Creek by miles of channel that lack base flows to provide a connection to  
9 arroyo chub in Cole Creek. The 2011 WRCMSHCP biological monitoring surveys  
10 also included lower Murrieta Creek and those surveys did not detect any arroyo  
11 chub in lower Murrieta Creek or within the Modified Phase II area. The Modified  
12 Phase II Project area and lower Murrieta Creek is not known to be currently  
13 occupied by arroyo chub. Nonetheless,-open water and freshwater marsh areas exist  
14 in the Modified Phase II area. Construction of the Modified Phase II Project would  
15 temporarily remove-open water/marsh areas, however open water and marsh areas  
16 similar to the existing conditions are expected to re-establish after construction.  
17 The presence of flowing water in the channel bottom would not be impacted and  
18 the project features include 24.2 acres of unmaintained riparian/low-flow zone  
19 along with other features to help direct low-flows into the unmaintained zone.  
20 Based on the recent negative survey data and the Modified Phase II features,  
21 impacts to arroyo chub are anticipated to be less than significant. Further, as  
22 described in the SEA/SEIR, the Modified Phase II Project will have a less than  
23 significant impact on WRCMSHCP arroyo chub conservation and will actually  
24 improve the aquatic habitat within Murrieta Creek. (Final SEA/SEIR, pp. 108 -  
25 112.)

26 Operation and maintenance of the Modified Phase II area would consist of  
27 periodic inspections and repairs to channel sideslopes, drop structures, and  
28

1 maintenance roads. In addition, the on-going channel maintenance program of  
2 vegetation management (mowing) and sediment removal (as needed) would be  
3 continued to preserve the flood flow capacity. The extent of maintenance varies  
4 within the channel, although an annually maintained corridor is a feature  
5 throughout the entire project area. Routine maintenance activities would not affect  
6 the riparian/low flow corridor, although occasional repair of eroded sideslopes may  
7 cause temporary disturbance. Maintenance activities will include regular mowing  
8 of the channel invert, debris and sediment removal (as needed), repairs of degraded  
9 and eroded areas, and maintenance of the vegetated slopes, riparian habitat, and  
10 landscaped sites, including weeding of invasive exotic species. If vegetation is  
11 removed or damaged by heavy flows within the unmaintained corridor,  
12 revegetation will be allowed to occur via natural recruitment. Natural recruitment is  
13 an effective means of restoration through re-growth of remnant vegetative material  
14 and germination from the native seed bank. Implementation of the Modified Phase  
15 II would result in an overall decrease in footprint required for regular maintenance  
16 to be performed by the District for long-term operation and maintenance of the  
17 area, and therefore reduced potential impacts to terrestrial and aquatic species. This  
18 will also ensure the Modified Phase II Project features will not harm any exiting  
19 wildlife corridors and will ensure impacts to Constrained Linkage 13 remain less  
20 than significant. (Final SEA/SEIR, pp. 113 - 115.)

21 Operation and maintenance activities will be conducted in accordance with  
22 any applicable regulatory permit conditions that may be issued for maintenance of  
23 the Modified Phase II. In addition, the District will implement best management  
24 practices to limit activities within flowing water, including limiting work to periods  
25 of low flow, not conducting work during rain events, and redirecting or fluming the  
26 live channel in order to conduct repairs to the bank or sideslopes. In case of  
27 emergency maintenance, the County will comply with emergency permit  
28

1 authorizations from the regulatory agencies and the applicable measures from those  
2 authorizations will be implemented to minimize the potential for project related  
3 impacts. Therefore, these impacts will remain less than significant. (Final  
4 SEA/SEIR, pp. 114 - 115.)

5 2. Finding/Mitigation:

6 The Modified Phase II Project is not anticipated to cause an increase in the  
7 severity of any impacts or result in any new impacts beyond those previously  
8 evaluated for the original EIR/EIS. Regardless, the following environmental  
9 commitments (mitigation measures) will be incorporated as part of the Modified  
10 Phase II (Final SEA/SEIR, pp. 116 to 119.)

11 B-1 A 23.67-acre portion of the channel invert along the toe of the east  
12 bank will be planted with riparian and riparian scrub vegetation to  
13 create the Riparian/Low Flow Corridor project feature (Figures 3-1a  
14 to 3-1e). This unmaintained zone will not be subject to future  
15 mowing or sediment removal activities.

16 B-2 The Corps will submit a draft Phase II revegetation plan for the  
17 slopes and the unmaintained riparian zone to the USFWS and  
18 California Department of Fish and Wildlife (CDFW) for review and  
19 approval at least 60 days prior to planting of any seeds or container  
20 plants within the Project area. If the Project is constructed in stages,  
21 the revegetation will be accomplished at the conclusion of each  
22 respective stage. The revegetation plan will address the following:  
23 Total acreage of habitat to be restored; the size and quantity of  
24 species to be planted; appropriate seed mixes and schedules of  
25 planting; revegetation success criteria; a 5-year maintenance and  
26 monitoring program to ensure that native plant cover is achieved,  
27 that non-native species do not out-compete the native species, and  
28



1 that the restoration of ecological function within the creek is  
2 successful.

3 B-3 Disturbance or removal of vegetation shall not exceed the limits  
4 authorized for construction and operation and maintenance.  
5 Temporarily disturbed areas shall be restored to their original  
6 condition or better and will be described in the revegetation plan  
7 (see commitment 2 above). Restoration shall include the  
8 revegetation of stripped or exposed areas with native species.

9 B-4 To minimize construction and operation and maintenance impacts to  
10 nesting birds, vegetation removal will be scheduled to occur  
11 between August 15 and March 15 (outside of the avian nesting  
12 season).

13 B-5 If the project is completed in stages as described in the project  
14 description, prior to and during construction of the Base segment or  
15 Option 1, the Corps would require a qualified biologist to survey  
16 any potential vireo habitat immediately adjacent to the Base segment  
17 or Option 1 during the breeding season. In the event that vireos are  
18 detected within 500 feet of the Base segment, or Option 1, the Corps  
19 will require the construction contractor to provide a restricted buffer  
20 of 500 feet from the active construction area to the nearest edge of  
21 the vireo territory, to avoid any potential affects to vireo during the  
22 breeding season.

23 B-6 A Corps biologist (or environmental monitor) shall monitor  
24 construction activities to ensure compliance with environmental  
25 commitments, which include:

26 B-6A Prior to construction activities, a qualified biologist shall conduct  
27 pre-construction training for all construction crew members. The  
28

1 training shall focus on required environmental commitments and  
2 conditions of regulatory agency permits and approvals. The training  
3 shall also include a summary of sensitive species and habitats  
4 potentially present within and adjacent to the proposed project site,  
5 including potential for vernal pools adjacent to the staging area at  
6 Jefferson Avenue and native southern willow scrub habitat and  
7 potential use of this habitat by least Bell's vireo.

8 B-6B Immediately prior to construction activities and throughout any  
9 portion of the construction period that takes place during the bird  
10 breeding season, a qualified biologist shall inspect the construction  
11 site and adjacent areas (using non-protocol surveys) to determine if  
12 any special-status species are nesting within 500 feet of the  
13 construction site. If active nests are found, the Corps biologist will  
14 coordinate with the USFWS and/or the CDFW—to determine  
15 appropriate avoidance or minimization measures.

16 B-7 To prevent impacts to southwestern pond turtles, trapping will be  
17 conducted in all suitable pools prior to any construction related  
18 activity (brush clearance, ground disturbance, construction).  
19 Trapping will be conducted by a qualified biologist and consist of at  
20 least three trapping events. Southwestern pond turtles will be  
21 transported to sections of Murrieta Creek where suitable habitat has  
22 been located outside the construction area. Trapping will be  
23 coordinated with the CDFW and USFWS to determine the  
24 appropriate methods and suitable relocation areas.

25 B-8 To prevent impacts to burrowing owl—pre-construction surveys  
26 would be conducted for those species in suitable habitat. If  
27  
28

1 burrowing owls are found, owls would be relocated outside of the  
2 nesting season in accordance with acceptable protocols.

3 B-9 With the exception of emergency repairs; all mowing, sediment  
4 removal, and scheduled maintenance activities involving heavy  
5 equipment or human presence in riparian habitat will be conducted  
6 between August 15 and March 15 (outside of the bird nesting  
7 season). Some repairs may require maintenance work to occur for  
8 extended periods of time. If non-emergency repair work is to be  
9 conducted during the nesting season (i.e. vireo), the work area will  
10 be surveyed for active bird nests. If active nests are identified in the  
11 work area, the nests and appropriate buffer (to be determined by the  
12 qualified biologist in coordination with the USFWS) will be avoided  
13 until the end of the nesting season. The appropriate buffer area will  
14 be identified based on the type of activity/repair work. A qualified  
15 biological monitor will be present during all non-emergency repair  
16 activities within the unmaintained riparian/low flow corridor  
17 between March 15 and August 15.

18 B-10 Appropriate coordination/consultation will occur with resource  
19 agencies (USFWS, CDFW and Corps regulatory as appropriate)  
20 when emergency maintenance activities are required during the  
21 nesting season. Resource agency representatives will be notified as  
22 early as possible and emergency coordination/consultation  
23 conducted and any necessary permits or approvals obtained prior to  
24 action taken. Under situations of imminent threat to life or property,  
25 obtaining permits and approvals prior to taking of an emergency  
26 action may not be possible. Under such circumstances, notification  
27 would be made to resource agency representatives of decision to  
28

1 proceed and emergency coordination/consultation would be  
2 performed after the emergency action. Contents of the notification  
3 will include: 1) point of contact information (name, address, email  
4 address, telephone number; 2) location of proposed project; 3) brief  
5 description of imminent threat to life or property and proposed  
6 project's purpose and need; 4) description of methods anticipated to  
7 be used to rectify the situation; and 5) brief description of the project  
8 area's existing condition and anticipated environmental impacts  
9 resulting from the proposed work.

10 B-11 With the exception of scheduled invasive plant removal or  
11 temporary impacts from emergency repair work, vegetation will not  
12 be removed from the unmaintained riparian/low flow corridor as  
13 part of the scheduled maintenance plan. Large trees and shrubs  
14 above 3-4 feet on the vegetated slopes that would affect the flow  
15 conveyance capacity of the channel and integrity of the side slope  
16 protection would be trimmed or removed. All other shrubs on the  
17 side slopes would be maintained by cutting to maintain a maximum  
18 height of 3-4 feet.

19 B-11A If vegetation is removed from the unmaintained riparian corridor or  
20 sideslopes as a result of emergency repairs, the site will be stabilized  
21 and revegetated with a native seed mix, cuttings and/or select  
22 container plantings to ensure the timely replacement of riparian trees  
23 removed as a result of the repair work. Revegetation plantings will  
24 be of sufficient quantity to ensure the rapid establishment of  
25 vegetation. Replacement plantings of riparian trees will not be  
26 required if the vegetation was removed as a result of natural  
27 scouring.

1 B-12 The Corps will include a provision in the OMRR&R manual  
2 indicating that: If the District fails to perform the required  
3 vegetation maintenance for 2 consecutive years, prior to its  
4 resumption of maintenance, the District will conduct a vireo survey  
5 in the deferred-maintenance area and provide a report to the Corps  
6 and the USFWS indicating whether the deferred maintenance area is  
7 being used by vireos. This report will be used to assist the Corps in  
8 determining whether the resumption of maintenance would cause an  
9 effect to vireo not considered in the BO and reinitiation of  
10 consultation is required.

11 C. Cultural Resources

12 1. Impacts:

13 There would be extensive grading and excavation activities associated with  
14 the Modified Phase II Project. However, based on the updated 2007 field survey as  
15 well previous investigations, the USACE has determined that no resources eligible  
16 for listing on the National Register of Historic Places are present within the APE  
17 for Modified Phase II. As a result, none would be affected by implementation of  
18 construction. Documentation to this effect was prepared and sent to the California  
19 State Historic Preservation Officer in accordance with Section 106 of the National  
20 Historic preservation act (36 CFR 800). In a letter dated October 16, 2008 the  
21 SHPO concurred. Furthermore, the SRI investigation has determined that the entire  
22 Modified Phase II reach has been disturbed to a depth of 12 feet from various  
23 factors such as cultivation and development. The depth of excavation associated  
24 with the original design (approximately 3 to 8 feet below grade) would be shallower  
25 than the depth characterizing the SRI report. (Final SEA/SEIR, pp. 128 to 129.)

26 2. Finding/Mitigation:

1           The Modified Phase II Project is not anticipated to cause an increase in the  
2 severity of any impacts or result in any new impacts beyond those previously  
3 evaluated for the original EIR/EIS. Regardless, the following mitigation measure  
4 will be incorporated as part of the Modified Phase II (Final SEA/SEIR, p. 129.)

5           C-1 A qualified archeologist and a Pechanga Tribe Native American  
6 monitor will monitor project ground-disturbing activities. The  
7 purpose will be to observe subsurface deposits for buried historic or  
8 prehistoric resources. If previously unknown resources are  
9 uncovered, construction in the area of the find will be temporarily  
10 halted. The find would be then be evaluated for the National  
11 Register of Historic Places (NRHP). If it were determined to be  
12 eligible for the NRHP, the Corps would consult with the SHPO on  
13 treatment of the remains in accordance with 36 CFR 800.13. The  
14 construction monitoring by the Pechanga Tribe will be conducted  
15 pursuant to the executed December 18, 2012 Master Cultural  
16 Resources Treatment and Tribal Monitoring Agreement between the  
17 District and the Pechanga Tribe.

18       D.     Traffic

19           1.     Impacts:

20           According to the EIS/EIR, construction worker commutes for the construction  
21 of the original design would add approximately 480 daily roundtrips to the regional  
22 and local roadways. Based on the above, a total of 585 round trips would be added to  
23 regional and local roadways for construction of the original plan. The percent increase  
24 of 585 trips to the daily traffic volume for both regional and local roadways are shown  
25 in Table 8-2 of the SEA/SEIR. Though the temporary increase in traffic (ranging from  
26 0.3% to 0.8%) on regional roadways would be minimal, the temporary increase in local  
27 traffic (ranging from 1% to 19%) would be substantial. The increase in traffic would  
28

1 be temporary, and would return to baseline levels upon completion of construction.  
2 The Modified Phase II Project would entail the same traffic impacts as the original  
3 design. Therefore, the implementation of changes in the Modified Phase II would  
4 result in less than significant impacts compared to impacts associated with the  
5 original design. Operations and maintenance activities would vary in size, scope,  
6 and intensity of traffic impacts. Larger operations such as the removal of sediment  
7 and debris from the channel would entail traffic impacts that would be similar to  
8 construction-related impacts. Smaller operations such as removal of weeds from  
9 the gabion embankment would entail little or no impacts. Therefore, overall traffic  
10 impacts are anticipated to be less than significant. (Final SEA/SEIR, pp. 131 to  
11 133.)

12 2. Finding/Mitigation:

13 The Modified Phase II Project is not anticipated to cause an increase in the  
14 severity of any impacts or result in any new impacts beyond those previously  
15 evaluated for the original EIR/EIS. Regardless, the following environmental  
16 commitments (mitigation measures) will be incorporated as part of the Modified  
17 Phase II Project (Final SEA/SEIR, p. 133.)

18 T-1 A road improvement plan would be prepared during the final design  
19 stage of the project, and implemented during the construction phase.  
20 The plan would identify road segments, bridges, and culverts that  
21 need to be improved and turnout locations that need to be  
22 constructed to accommodate project construction, maintenance, and  
23 operational activities. The plan would also include measures for  
24 identifying any damage to existing roadways caused by construction  
25 vehicles. These damages would be repaired following completion of  
26 the project.

1 T-2 A traffic control plan would be prepared during the final design  
2 stage of the project, and implemented during the construction phase.  
3 The plan would address and outline appropriate vehicular speeds in  
4 construction areas; travel routes, detours, bridge closures, or  
5 lane/road closures; flagperson requirements; appropriate signage and  
6 safety reflectors; coordination with local city agencies/departments  
7 and Caltrans for appropriate notification to the public; any utility  
8 relocation requirements; the location of staging areas; safety  
9 procedures to reduce hazards to motorists, bicyclists and  
10 pedestrians; approach to ensuring access to businesses and  
11 residences; and emergency information. The traffic control plan  
12 would be reviewed by appropriate entities, including the City of  
13 Temecula. The final version of the plan would be submitted to all  
14 appropriate entities.

15 E. Air Quality

16 1. Impacts:

17 The Modified Phase II Project would involve excavating, grading and  
18 disturbance from equipment and vehicle access to approximately 122.42 acres of  
19 Murrieta Creek, which have been subject to past construction and maintenance.  
20 Emissions were estimated using the California Emission Estimator Model  
21 (CalEEMod) Versions 2011.1.1 provided by the SCAQMD (SCAQMD, 2012) and  
22 included emission factors for years 2013 and 2014 off-road and on-road vehicle  
23 emissions factors since the Modified Phase II would span two different years, 2014  
24 and 2015, and could take approximately 18 months to construct. A comparison of  
25 the maximum (worse case scenario) yearly (tons/year) construction emissions and  
26 maximum (worse case scenario) daily construction emissions (lbs/day) of the  
27 Modified Phase II are shown in Table 9-4 and Table 9-5 of the SEA/SEIR. As  
28



1 summarized in Table 9-4, the estimated construction emissions for the Modified  
2 Phase II are below the yearly Federal thresholds established by the U.S. EPA for  
3 conformity analyses (U.S. EPA, 2011). As summarized in Table 9-5, the estimated  
4 construction emissions for the Modified Phase II are below the SCAQMD  
5 construction thresholds (lbs/day) established by the SCAQMD for the SCAB  
6 (SCAQMD, 2011). Based on the calculations, the estimated annual emissions  
7 associated with the construction of the Modified Phase II are less than the General  
8 Conformity thresholds, and the estimated daily emissions are less than the  
9 SCAQMD construction significance thresholds. Therefore, the Modified Phase II  
10 Project would have less than significant impact on air quality. (Final SEA/SEIR,  
11 pp. 136 to 138.)

12 Localized significant threshold (LST) for SRA No. 26 (Temecula Valley)  
13 are summarized in Table 9-6 of the SEA/SEIR for the applicable air pollutants and  
14 compared to the Modified Phase II construction estimated emissions (lbs/day). As  
15 summarized in Table 9-6, the estimated construction emissions for the Modified  
16 Phase II are below the LST thresholds (lbs/day) established by the SCAQMD for  
17 SRA No. 26 (Temecula Valley) (SCAQMD, 2011). Therefore, Modified Phase II  
18 impact would be less than significant on air quality. (Final SEA/SEIR, pp. 139 to  
19 141.)

20 Operations and maintenance activities would vary in size, scope, and  
21 intensity of air quality impacts. Larger operations such as the removal of sediment  
22 and debris from the channel would entail traffic impacts that would be similar to  
23 construction-related impacts. Smaller operations such as removal of weeds from  
24 the gabion embankment would entail little or no impacts. In a worst-case scenario,  
25 operations and maintenance activities would entail excavation of accumulated  
26 debris and sediment from the entire 70-acre area. In such a case, air quality impacts  
27 would be similar to those for construction in the year 2013. Accordingly, worst-  
28

1 case air-quality emissions would likely be less than the SCAQMD significant  
2 thresholds. (Final SEA/SEIR, p. 141.)

3 2. Finding/Mitigation:

4 The Modified Phase II Project is not anticipated to cause an increase in the  
5 severity of any impacts or result in any new impacts beyond those previously  
6 evaluated for the original EIR/EIS. Regardless, the following environmental  
7 commitments (mitigation measures) will be incorporated as part of the Modified  
8 Phase II (Final SEA/SEIR, pp. 142 to 143.)

9 AQ-1 Require 6.9 grams per horsepower standard for heavy-duty  
10 construction equipment on- and off-road.

11 AQ-2 Require injection timing retard of 2 degrees on all diesel vehicles,  
12 where applicable.

13 AQ-3 Install high-pressure injectors on all vehicles, where feasible.

14 AQ-4 Use Caterpillar pre-chamber diesel engines or equivalent, and  
15 perform proper maintenance and operation.

16 AQ-5 Electrify equipment, where feasible.

17 AQ-6 Maintain equipment in tune with manufacturers' specifications,  
18 except as otherwise stated above.

19 AQ-7 Restrict the idling of construction equipment to 10 minutes.

20 AQ-8 Install catalytic converters on gasoline-powered equipment.

21 AQ-9 Substitute gasoline-powered for diesel-powered, where feasible.

22 AQ-10 The speed limit on all unpaved roads would be 10 MPH.

23 AQ-11 Gravel roads would be constructed for unpaved access/egress roads,  
24 and these roads would be watered hourly.

25 AQ-12 All handled (i.e. loaded/unloaded) soil would be watered to 25  
26 percent moisture, and active excavation/grading areas would be  
27 watered hourly to ensure 15 percent moisture.  
28

1 AQ-13 Street sweepers would be active at each unpaved road access/egress  
2 point for soil export (on- and off-site) and each on-site unpaved road  
3 access/egress point or materials import. Three street sweepers  
4 would be cleaning the entire soil export paved road route, beginning  
5 daily operation in the morning prior to the first haul truck and  
6 ending daily operation after cleaning the roadway after the passage  
7 of the last haul truck. The street sweepers will be wet-type "street  
8 washers" that will meet the requirements of SCAQMD Rule 1186  
9 for PM<sub>10</sub> efficient street sweepers.

10 AQ-14 Soil haul trucks would be covered, would have 18 inches of  
11 freeboard and would have soils on the top of the load watered, or  
12 shall be sufficiently wet to mitigate emissions.

13 AQ-15 Inactive storage piles would be covered.

14 AQ-16 All grading activities would be prohibited during periods of high  
15 wind (i.e., winds greater than 30 mph).

16 AQ-17 Nontoxic chemical soil stabilizers would be applied to inactive  
17 construction areas (i.e., disturbed lands within construction areas  
18 that are unused for at least 4 consecutive days), or water at least  
19 twice daily.

20 AQ-18 Nontoxic binders (i.e., latex acrylic copolymer) will be applied to  
21 exposed areas after cut-and-fill operations and hydroseed the areas  
22 if appropriate for the project location.

23 AQ-19 Wheel washers would be installed for all exiting trucks.

24 F. Noise

25 1. Impacts:

26 Typical equipment that would be used during construction would include  
27 graders, loaders, rollers, bulldozers, trucks, scrapers, pumps, and generators.  
28

1 Construction activities are expected to occur five days per week for 10-hour days,  
2 over an 18-month period. Noise levels associated with various types of equipment  
3 are shown in Table 13-1 and 13-2 in the SEA/SEIR. The projected noise levels  
4 within the vicinity of the Modified Phase II reach ranges from 70-75 dBA CNEL.  
5 Moreover, structures adjacent to the reach are located approximately 100 to 200  
6 feet away from the earthen embankments. At a distance of 100 feet, construction  
7 noise would be reduced to approximately 74-84 dBA per Table 13-2 shown in the  
8 SEA/SEIR. At a distance of 200 feet, construction noise would be reduced to  
9 approximately 68-78 dBA. Structures at these distances would be exposed to noise  
10 levels elevated between 5 and 10 dBA above the ambient noise levels. Noise  
11 impacts beyond these distances would be minimal. Operations and maintenance  
12 activities would vary in size, scope, and intensity of noise impacts. Larger  
13 operations such as the removal of sediment and debris from the channel would  
14 entail noise impacts similar to construction-related noise impacts. Smaller  
15 operations such as removal of weeds from the soil cement embankment would  
16 entail little or no noise impacts. Impacts are therefore determined to remain less  
17 than significant. (Final SEA/SEIR, pp. 155 to 156.)

18 2. Finding/Mitigation:

19 The Modified Phase II Project is not anticipated to cause an increase in the  
20 severity of any impacts or result in any new impacts beyond those previously  
21 evaluated for the original EIR/EIS. Regardless, the following environmental  
22 commitment (mitigation measure) will be incorporated as part of the Modified  
23 Phase II. (Final SEA/SEIR, p. 157.)

24 N-1 Construction or maintenance activities within 0.25 mile of  
25 residences or other noise-sensitive uses will be restricted to daytime  
26 hours. No construction or maintenance activities will be performed  
27 within 0.25 mile of noise sensitive uses on Sundays, on legal  
28

1 holidays, or between the hours of 6:30 p.m. and 7:00 a.m. Monday  
2 through Friday and Saturday, as per City of Temecula.

3 N-2 All construction and maintenance equipment will have sound-  
4 control devices that are at least as effective as those devices  
5 provided on original equipment. No equipment will have an  
6 unmuffled exhaust.

7 N-3 The contractor will implement appropriate additional noise  
8 mitigation measures, including, but not limited to, changing the  
9 location of stationary construction and maintenance equipment,  
10 shutting off idling equipment, rescheduling construction and  
11 maintenance activity, notifying adjacent residents in advance of  
12 construction and maintenance work, and installing acoustic barriers  
13 around construction and maintenance noise sources.

14 G. Hazardous Materials

15 1. Impacts:

16 Work within the channel and the embankments would not occur on earth or  
17 disturb contaminated sites in the uplands. Although no known hazardous materials  
18 waste sites would be affected by Modified Phase II, the potential exists to encounter  
19 previously undocumented hazardous materials and wastes originating from previous  
20 uses of the properties that would be affected by the project. Signs of potential  
21 contamination would include buried underground storage tanks or other containers, soil  
22 discoloration, and unusual odors. Although contaminated areas may be encountered,  
23 there is no documentation indicating that any exist in the study area. Thus, it is likely  
24 that any areas of contamination would be minor and would affect relatively small  
25 areas. However, if contamination is encountered, environmental commitments would  
26 be implemented to reduce to minimize the impact. The potential exists for localized  
27 spills of petroleum-based products, concrete, paints, or other chemicals during  
28

1 construction. These spills could expose construction workers and the public to  
2 hazardous materials either directly, at the site of the spill, or indirectly, by introducing  
3 these substances into storm runoff. Implementation of water quality environmental  
4 commitments at Section 5.3 in the SEA/SEIR would minimize potential for the  
5 production of petroleum-based products into the channel during construction. (Final  
6 SEA/SEIR, pp. 158 to 160.)

7 2. Finding/Mitigation:

8 The Modified Phase II Project is not anticipated to cause an increase in the  
9 severity of any impacts or result in any new impacts beyond those previously  
10 evaluated for the original EIR/EIS. Regardless, the following environmental  
11 commitment (mitigation measure) will be incorporated as part of the Modified  
12 Phase II Project (Final SEA/SEIR, p. 160.)

13 HZ-1 If a contaminated area is encountered during construction,  
14 construction would cease in the vicinity of the contaminated area.  
15 The contaminated areas shall be assessed to determine the extent  
16 and type of contamination. If necessary, the contaminated site would  
17 be remediated to minimize the potential for exposure of the public  
18 and to allow the project to safely be constructed.

19 H. Utilities and Public Services

20 1. Impacts:

21 The original Phase II design would involve excavating and grading  
22 approximately 70 acres of Murrieta Creek. The substantial excavation and grading  
23 activities could occur within the vicinity of water or sewer lines. The USACE and  
24 the District would implement all environmental commitments listed in Section 14.3  
25 of the SEA/SEIR to ensure that there would be no disruption of water supply  
26 services during construction. The Modified Phase II Project would entail the same  
27 potential impacts as the original design. Further, the District is coordinating with  
28

1 Southern California Edison (SCE) on two power lines that are in the vicinity of the  
2 Modified Phase II project area, to determine if relocations are necessary. The  
3 District would continue coordinating with SCE. The Eastern Municipal Water  
4 District (EMWD) has two gravity sewer crossings within the Modified Phase II  
5 impact area. The USACE and District will continue coordination with EMWD.  
6 (Final SEA/SEIR, pp. 161 to 163.)

7 2. Finding/Mitigation:

8 The Modified Phase II Project is not anticipated to cause an increase in the  
9 severity of any impacts or result in any new impacts beyond those previously  
10 evaluated for the original EIR/EIS. Regardless, the following environmental  
11 commitments (mitigation measures) will be incorporated as part of the Modified  
12 Phase II Project (Final SEA/SEIR, p. 163.)

13 U-1 During the preliminary design phase of each project component, the  
14 utility service providers would be consulted to identify existing and  
15 proposed buried facilities in affected roadways and to determine  
16 which utilities require relocation and which can be avoided. If  
17 relocation is required, the appropriate utility service provider would  
18 be consulted to sequence construction activities to avoid or  
19 minimize interruptions in service. The Local Sponsor and contractor  
20 shall comply with permit conditions and such conditions shall be  
21 included in the contract specifications.

22 U-2 If utility service disruption is necessary, residents and businesses in  
23 the project area would be notified a minimum of two to four days  
24 prior to service disruption through local newspapers, and direct  
25 mailings to affected parties.

26 U-3 The contractor would be required to excavate around utilities,  
27 including hand excavation as necessary, to avoid damage and to  
28

1 minimize interference with safe operation and use. Hand tools must  
 2 be used to expose the exact location of buried gas or electric  
 3 utilities.

4 U-4 Prior to construction during the Plans and Specifications phase,  
 5 utility locations shall be verified through field surveys.

6 Section III.

7 NOW, THEREFORE, BE IT FURTHER RESOLVED, FOUND, DETERMINED, AND  
 8 ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation  
 9 District that the following potential cumulative environmental impacts associated with the Modified  
 10 Phase II Project have been identified as being less than significant either due to the design of the project  
 11 or through identified project-specific mitigation for the individual impacts. The SEA/SEIR evaluated  
 12 cumulative effects based upon the list approach, including past actions, current projects, and reasonably  
 13 foreseeable future actions. The list was updated from the original EIR/EIS to reflect current cumulative  
 14 project conditions. (Final SEA/SEIR, pp. 173 to 177.)

15 A. Cumulative Effects (Geology and Soils)

16 1. Impacts:

17 The amount of grading and earthwork required for the original or Modified  
 18 Phase II Project design would not contribute incrementally to a significant  
 19 cumulative impact. This assessment was based on the types of other major projects  
 20 anticipated to occur in the study area (primarily residential development and  
 21 roadway improvements) and the effects these types of projects have on topography  
 22 and geologic resources. While other projects may contribute to localized erosion or  
 23 seismic related impacts, none of the flood control alternatives addressed in the  
 24 original EIS/EIR or the SEA/SEIR would contribute to these localized effects. The  
 25 Modified Phase II would not incrementally contribute to a substantial alteration of  
 26 topography nor would it result or contribute to significant impacts related to  
 27 geology or soils. (Final SEA/SEIR, p. 177.)



1                   2.     Finding:

2                             The Modified Phase II is not anticipated to cause an increase in the severity  
3                             of any impacts or result in any new impacts beyond those previously evaluated for  
4                             the original EIR/EIS. Impacts related to cumulative effects are anticipated to  
5                             remain less than significant. (*Id.*)

6     B.     Cumulative Effects (Water Resources)

7                   1.     Impacts:

8                             The Modified Phase II Project would not result in post-construction water  
9                             quality or hydrology impacts. Temporary impacts could occur during construction.  
10                            The Modified Phase II construction, as with other development projects in the  
11                            study area, would be subject to laws and regulations that address water quality.  
12                            Prior to construction, coverage under the General Construction Activity Storm  
13                            Water Permit would be obtained and a storm water pollution prevention plan  
14                            (SWPPP) would be designed to eliminate or reduce pollutant discharge. Specific  
15                            SWPPP provisions include requirements for identifying potential pollution sources,  
16                            controlling stormwater runoff and erosion, implementing best management  
17                            practices (BMPs) to prevent or reduce contaminant discharge, and conforming to  
18                            applicable state and local stormwater and erosion control plans. The identification  
19                            of applicable BMPs is based on site-specific characteristics but typically involves  
20                            implementing and monitoring pollution control measures both during and after  
21                            construction. Based on these requirements, the cumulative impact of the projected  
22                            future actions in the study area would not cause a significant construction-related  
23                            impact to water quality (including impacts associated with erosion and  
24                            sedimentation). (Final SEA/SEIR, p. 177.)

25                            The future plan of constructing a detention basin to help reduce peak flows  
26                            (Phase III) would help offset the impacts of past and present development projects  
27                            within the watershed. By temporarily detaining these peak flows, the riparian  
28

1 habitat downstream from the Modified Phase II Project area would experience  
2 flows somewhat closer to those of pre-urbanization conditions within the  
3 watershed. Therefore, significant impacts for this and future project would be less  
4 than significant. (Final SEA/SEIR, p. 178.)

5 2. Finding:

6 The Modified Phase II Project is not anticipated to cause an increase in the  
7 severity of any impacts or result in any new impacts beyond those previously  
8 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
9 anticipated to remain less than significant. (*Id.*)

10 C. Cumulative Effects (Biological Resources)

11 1. Impacts:

12 The Modified Phase II Project has the potential to contribute to cumulative  
13 biological impacts. Although the modified design would not result in significant  
14 impacts to native habitats and species, there are potential additive effects associated  
15 with vegetation removal and ground disturbance when combined with other  
16 projects in the vicinity. The environmental commitments provided in Section 6.0  
17 and 20.0 of the SEA/SEIR would reduce the impacts to less-than-significant levels  
18 and would avoid a significant contribution to cumulative impacts on biological  
19 resources in the Modified Phase II Project vicinity (See project-specific mitigation  
20 included in the biological resources discussion prior). Therefore, the Modified  
21 Phase II combined with other projects would not contribute to cumulative  
22 biological resource impacts. The permanent effects of the Modified Phase II are  
23 site-specific and localized, and would not result in incremental cumulative impacts  
24 to biological resources through increased disturbance, removal of habitat, or  
25 degradation of habitat through traffic, increased noise, or decreased water quality.  
26 Impacts to biological resources were previously evaluated in the original EIS/EIR.  
27 The Modified Phase II Project would not result in any new or additional impacts to  
28

1 biological resources. Modifications incorporated into the new design provide for  
2 an increase riparian habitat by restoring it with native species. Components of the  
3 Modified Phase II would result in a long-term benefit to wildlife. With  
4 implementation of the environmental commitments, impacts would be reduced to  
5 less-than-significant levels, and effects of the Modified Phase II would not be  
6 considered cumulatively significant. (Final SEA/SEIR, p. 178.)

7 2. Finding:

8 The Modified Phase II is not anticipated to cause an increase in the severity  
9 of any impacts or result in any new impacts beyond those previously evaluated for  
10 the original EIR/EIS. Impacts related to cumulative effects are anticipated to  
11 remain less than significant. (*Id.*)

12 D. Cumulative Effects (Cultural Resources)

13 1. Impacts:

14 A records and literature search was conducted for all phases of the Project.  
15 For the Modified Phase II Project, two separate cultural resources surveys were  
16 conducted. As a result, no historical or prehistoric archeological sites have been  
17 identified. Based on this information, the USACE determined the Modified Phase  
18 II will not affect historic properties. The USACE is in compliance with  
19 requirements of Section 106 for the overall Murrieta Creek Flood Control Project,  
20 and the Modified Phase II would not substantially contribute to cultural resource  
21 impacts and would not result in a significant cumulative effect. (Final SEA/SEIR,  
22 p. 178.)

23 2. Finding:

24 The Modified Phase II Project is not anticipated to cause an increase in the  
25 severity of any impacts or result in any new impacts beyond those previously  
26 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
27 anticipated to remain less than significant. (*Id.*)

1 E. Cumulative Effects (Traffic)

2 1. Impacts:

3 The incremental contribution to cumulative effects for transportation related  
4 to implementation of the Modified Phase II Project was evaluated and determined  
5 to not contribute significantly to the cumulative effect. The Modified Phase II  
6 Project would not add any new or additional impacts and would not contribute  
7 significantly to the cumulative effects for transportation. The construction traffic  
8 would have a localized effect on traffic circulation; however, this effect on traffic  
9 would be relatively short term in duration. The SEA/SEIR determined that  
10 cumulative impacts would be less than significant. (Final SEA/SEIR, p. 179.)

11 2. Finding:

12 The Modified Phase II Project is not anticipated to cause an increase in the  
13 severity of any impacts or result in any new impacts beyond those previously  
14 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
15 anticipated to remain less than significant. (*Id.*)

16 F. Cumulative Effects (Air Quality)

17 1. Impacts:

18 Construction activities for the Modified Phase II Project would not have air  
19 quality impacts above and beyond those determined in the original EIR/EIS, which  
20 determined cumulative impacts were significant. Past and present projects  
21 constructed within Murrieta Creek include Phase I that was completed by 2008.  
22 Future projects, to include Phase(s) III and IV, would include a like-for-like  
23 replacement or construction of similar structures and infrastructure within Murrieta  
24 Creek. The cumulative projects discussed above would not singly, or combined  
25 cumulatively, create a significant impacts related to criteria pollutants. The  
26 mitigation required in the 2000 EIR/EIS in Section 4.4 for Air Quality would  
27 reduce air quality impacts to the greatest extent feasible (see prior Air Quality  
28

1 impact discussion). Therefore, the SEA/SEIR determined that cumulative impacts  
2 related to air quality for the Modified Phase II would be less than significant. (Final  
3 SEA/SEIR, p. 179.)

4 2. Finding:

5 The Modified Phase II Project is not anticipated to cause an increase in the  
6 severity of any impacts or result in any new impacts beyond those previously  
7 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
8 anticipated to remain less than significant. (*Id.*)

9 G. Cumulative Effects (Land Use)

10 1. Impacts:

11 The SEA/SEIR determined the Modified Phase II Project construction  
12 would not entail the conversion of open space land to urban uses and, thus, would  
13 not incrementally contribute to this land use trend. As described in Chapter 4.0 of  
14 the SEA/SEIR, the floodplain would continue to be developed in a manner  
15 consistent with the local zoning and General Plan land use designations regardless  
16 of whether the proposed flood control project is constructed. Many of these areas  
17 adjacent to Murrieta Creek are planned to be built out, and proposed developments  
18 are consistent with surrounding nearby land uses and/or General Plan designations.  
19 Based on such factors, cumulative land use impacts would be less than significant.  
20 (Final SEA/SEIR, p. 179.)

21 2. Finding:

22 The Modified Phase II Project is not anticipated to cause an increase in the  
23 severity of any impacts or result in any new impacts beyond those previously  
24 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
25 anticipated to remain less than significant. (*Id.*)

26 H. Cumulative Effects (Visual Resources)

27 1. Impacts:

28

1 As a result of past actions, including the channelization of Murrieta Creek  
2 in the late 1930s, the creek would never appear in as natural a state as a creek that  
3 has not been channelized. The Modified Phase II channel improvements would  
4 include an unmaintained vegetation bench along the length of the project. The  
5 additional phases of channel improvements, ecosystem restoration and recreational  
6 projects within Murrieta Creek have a component to restore native vegetation.  
7 Native vegetation within the creek is generally considered a positive visual  
8 amenity. The SEA/SEIR concluded that the positive aspects of the Modified Phase  
9 II Project related to channel improvements, ecosystem restoration, and recreational  
10 projects would offset any adverse aesthetic impacts, including the loss of mature  
11 vegetation. Additionally, with the exception of proposed bridge projects, none of  
12 the other projects identified in this cumulative impacts analysis would contribute to  
13 the long-term loss of vegetation within the creek. The loss of vegetation associated  
14 with reasonably foreseeable bridge construction and widening projects would be  
15 nominal and would not constitute a cumulatively significant impact to visual  
16 resources. (Final SEA/SEIR, pp. 179 to 180.)

17 2. Finding:

18 The Modified Phase II Project is not anticipated to cause an increase in the  
19 severity of any impacts or result in any new impacts beyond those previously  
20 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
21 anticipated to remain less than significant. (Final SEA/SEIR, p. 180.)

22 I. Cumulative Effects (Noise)

23 1. Impacts:

24 The SEA/SEIR determined noise impacts associated with Modified Phase II  
25 are limited to short-term construction noise. Noise impacts would be created by  
26 on-site construction activities and, to some degree, roadway noise from  
27 construction traffic. These impacts would be mitigated to less than significant  
28

1 levels (see prior Noise impact discussion). Due to the location and types of  
2 development anticipated near the creek, significant cumulative noise impacts are  
3 not anticipated. (Final SEA/SEIR, p. 180.)

4 2. Finding:

5 The Modified Phase II Project is not anticipated to cause an increase in the  
6 severity of any impacts or result in any new impacts beyond those previously  
7 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
8 anticipated to remain less than significant. (*Id.*)

9 J. Cumulative Effects (Hazardous Materials)

10 1. Impacts:

11 The SEA/SEIR determined no known hazardous materials are located  
12 within the Modified Phase II area and therefore would not contribute incrementally  
13 to cumulative hazardous material impacts. (Final SEA/SEIR, p. 180.)

14 2. Finding:

15 The Modified Phase II Project is not anticipated to cause an increase in the  
16 severity of any impacts or result in any new impacts beyond those previously  
17 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
18 anticipated to remain less than significant. (*Id.*)

19 K. Cumulative Effects (Public Services/Utilities)

20 1. Impacts:

21 The SEA/SEIR determined that proposed residential developments would  
22 contribute to the increased demand for public utilities and services, and the increase  
23 in population of the various cumulative projects, in combination with the proposed  
24 recreational amenities, may require an increased need for police protection, and  
25 emergency medical and related services. However, the SEA/SEIR concluded the  
26 Modified Phase II would not incrementally contribute to this increased need and  
27  
28

1 therefore no cumulative impacts related to public services or utilities would occur.  
 2 (Final SEA/SEIR, p. 180.)

3 2. Finding:

4 The Modified Phase II Project is not anticipated to cause an increase in the  
 5 severity of any impacts or result in any new impacts beyond those previously  
 6 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
 7 anticipated to remain less than significant. (*Id.*)

8 L. Cumulative Effects (Recreation)

9 1. Impacts:

10 With development of the Modified Phase II Project, new recreation  
 11 facilities would not be provided nor would existing facilities be impacted.  
 12 However, maintenance roads would be constructed along both sides of Murrieta  
 13 Creek. These roads may be used in the future to provide pedestrian/bicycle trails  
 14 increasing publicly available recreation facilities. The future use of this trail  
 15 combined with other past, present, and foreseeable future recreational projects in  
 16 the area would result in cumulative beneficial effects to the surrounding  
 17 communities. (Final SEA/SEIR, p. 180.)

18 2. Finding:

19 The Modified Phase II Project is not anticipated to cause an increase in the  
 20 severity of any impacts or result in any new impacts beyond those previously  
 21 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
 22 anticipated to remain less than significant. (*Id.*)

23 M. Cumulative Effects (Socioeconomic/Environmental Justice)

24 1. Impacts:

25 The Modified Phase II Project construction would not result in significant  
 26 socioeconomic impacts. The cumulative projects described in the SEA/SEIR would  
 27 not be expected to contribute substantially to these impacts. In contrast, the  
 28



1 numerous residential development projects would increase the supply of local  
2 housing. The short-term generation of construction-related jobs would be  
3 beneficial to the local economy and would not be expected to substantially alter the  
4 area's population/housing balance. Accordingly, significant cumulative  
5 socioeconomic impacts are not anticipated. (Final SEA/SEIR, p. 181.)

6 2. Finding:

7 The Modified Phase II Project is not anticipated to cause an increase in the  
8 severity of any impacts or result in any new impacts beyond those previously  
9 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
10 anticipated to remain less than significant. (*Id.*)

11 N. Cumulative Effects (Public Safety)

12 1. Impacts:

13 The Modified Phase II Project construction would improve public safety by  
14 providing an increased level of flood protection. In consideration of the cumulative  
15 projects in the study area (particularly development in the Old Town Temecula  
16 area), the flood control projects would be beneficial to numerous residential,  
17 commercial, and industrial uses. Potential safety hazards regarding access to the  
18 flood control channels and the multi-purpose detention basin would be mitigated to  
19 less than significant levels. None of the other past, present, or reasonably  
20 foreseeable actions would be anticipated to incrementally contribute to a significant  
21 cumulative safety impacts. (Final SEA/SEIR, p. 181.)

22 2. Finding:

23 The Modified Phase II Project is not anticipated to cause an increase in the  
24 severity of any impacts or result in any new impacts beyond those previously  
25 evaluated for the original EIR/EIS. Impacts related to cumulative effects are  
26 anticipated to remain less than significant. (*Id.*)

1 NOW, THEREFORE, BE IT FURTHER RESOLVED, FOUND, DETERMINED, AND  
2 ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation  
3 District that it has reviewed and considered the SEA/SEIR in evaluating the Modified Phase II Project,  
4 and that the SEA/SEIR is an accurate and objective statement that complies with the California  
5 Environmental Quality Act and reflects the District's independent judgment and analysis, and that the  
6 SEA/SEIR is incorporated herein by this reference.

7 BE IF FURTHER RESOLVED by the District Board of Supervisors that it CERTIFIES the  
8 SEA/SEIR for the Modified Phase II Project (State Clearing House No. 200071051) and ADOPTS the  
9 Environmental Commitments (Mitigation Measures) listed in Section 20 of the SEA/SEIR, and the  
10 Mitigation Monitoring/Reporting Program specified therein.

11 BE IT FURTHER RESOLVED by the District Board of Supervisors that the Project Cooperation  
12 Agreement Amendment No. 1 for the Project is approved and the Chairman shall execute same on behalf  
13 of the District.

14 BE IT FURTHER RESOLVED by the District Board of Supervisors that the custodians of the  
15 documents upon which this decision is based are the Clerk of the Board of Supervisors and the Riverside  
16 County Flood Control and Water Conservation District and that such documents are located at 4080  
17 Lemon Street, Riverside, California and 1995 Market Street, Riverside, California.

18 BE IF FURTHER RESOLVED by the District Board of Supervisors that within five (5) working  
19 days of this Board hearing, the Clerk of the Board is directed to deliver the Notice of Determination for  
20 the Modified Phase II to the Office of the County Clerk and Recorder, who is hereby directed to file same,  
21 and the Clerk of the Board is further directed to deliver the Notice of Determination to the State Office of  
22 Planning and Research, all as required by law.

23  
24  
25  
26  
27  
28

## **20.0 ENVIRONMENTAL COMMITMENTS/ MITIGATION MEASURES**

The proposed project would not result in any significant impacts to environmental resources including water quality, air quality, green house gases, biological resources, land use, aesthetics, geology and soils, recreation, noise, socioeconomics, utilities, public service, transportation, public health and safety, or cultural resources. The analysis documented in this SEA/SEIR shows that implementation of the Modified Phase II Plan would not result in any additional impacts, and in some areas, be reduced compared to the Original Phase II Plan. The environmental commitments (mitigation measures) identified below have been incorporated into the project for the purpose of further minimizing environmental effects.

### **Water Resources**

- W-1 Channel construction and routine maintenance activities will not be conducted if bank to bank flows exist and during rain events to reduce the potential for significant impacts to water quality. The construction contractor will monitor and record weather reports for any indication of potential rain events. The contractor shall divert the low flow channel consistent with the Storm Water Pollution Prevention Plan (SWPPP) and regulatory permits to minimize working within the live channel. Construction activities shall conform to the requirements of the State-wide National Pollutant Discharge Elimination System (NPDES) General Permit (Board Order No. 2009-0009-DWQ, NPDES No. CA000002 as amended by Board Order No. 2010-0014-DWQ) for Stormwater Discharges Associated with Construction and Land Disturbance Activities. The SWPPP created and implemented pursuant to the NPDES General Construction Permit requirements shall also include provisions identified in the Section 401 water quality certification for the project and requirements of the current Construction Permit.
- W-2 During construction and maintenance activities, equipment will be in proper working condition and inspected for leaks and drips on a daily basis prior to commencement of any in-channel ~~maintenance~~ work.
- W-3 ~~Implement a~~ spill prevention and remediation plan ~~would be developed and implemented during construction, and operation and maintenance.~~ Workers will be instructed as to its requirements. Construction supervisors ~~and workers and maintenance personnel~~ would be instructed to (1) be alert for indications of equipment related contamination such as stains and odors, keep spill kits containing absorbent materials at the construction site, and (2) respond immediately with appropriate actions as detailed in the spill prevention and remediation plan if indications of equipment-related contamination are noted. RCFC&WCD will implement its standard Hazardous Waste Disposal (i.e. Safety and Operations Manual Procedure #28) to address any hazardous material spills while conducting maintenance activities.
- W-4 During construction and maintenance activities, fuels, solvents, and lubricants would be stored ~~in a bermed area so~~such that potential spills and/or leaks will be contained. Soil contamination resulting from spills and/or leaks would be remediated as required by

Exhibit "A"

Federal and/or state law. Storage areas would be constructed so that containers would not be subjected to damage by construction and maintenance equipment. RCFC&WCD will implement its standard Hazardous Waste Disposal (i.e. Safety and Operations Manual Procedure #28) to address any hazardous material spills while conducting maintenance activities.

- W-5 ~~Implementation of~~ appropriate best management practices (BMPs) during construction and maintenance to minimize soil erosion and transport of pollutants, and train operators.
- W-6 Whenever possible, confine construction work within the flood control channel to low-flow periods. All construction and routine maintenance activities within the channel would be limited during wet weather. ~~to~~ Construction contracts shall include specifications for: construction material stockpiling, channel slope protection, grading, levee openings, and excavation.
- W-7 Construct sediment barriers (e.g. sandbags, silt fence, temporary containment dam) downstream of each major construction operation to trap sediments.
- W-8 Conduct dewatering operations behind temporary sheet pile cofferdams. Groundwater dewatering operations shall be conducted in accordance with the requirements of the latest San Diego Regional Water Quality Control Board's General Waste Discharge Requirements (e.g. Regional Board Order No. R9-2008-0002), if applicable.
- W-9 Cover and secure stockpiles of bulk granular building materials
- W-10 Stabilize any areas of exposed soil, such as dirt stockpiles, dirt berms, and temporary dirt roads, with controlled amounts of sprinkled water.
- W-11 At the close of each working day, sweep up any materials tracked onto the street or laying uncontained in the construction areas, and dispose of any trash accumulated in construction areas.
- W-12 Contain concrete, asphalt, and masonry wastes and dispose of these wastes away from project construction sites.
- W-13 Prohibit the storage of fuels and other hazardous materials and refueling and maintenance of equipment and vehicles near the flood control channel. Prohibited locations shall include all land and structures (e.g. bridges) within 50 feet of the creek.
- ~~W-14 — Keep spill kits containing absorbent materials at the construction site.~~
- ~~W-15 — Store fuels and other hazardous materials away from project drainage.~~
- W-146 Required Opinions, Concurrences, and Permits:

## Exhibit "A"

- Applicable Regulatory Section 404 Permit (RCFC&WCD to obtain for operation and maintenance activities)
- Section 401 Water Quality Certification
- Section 402 National Pollution Discharge Elimination System General Construction
- A Storm Water Pollution Prevention Plan will be prepared and implemented during construction.

### Biological Resources

**B-1** A 23.67-acre portion of the channel invert along the toe of the east bank will be planted with riparian and riparian scrub vegetation to create the Riparian/Low Flow Corridor project feature (Figures 3-1a to 3-1e). This unmaintained zone will not be subject to future mowing or sediment removal activities.

**B-2** The Corps will submit a draft Phase II revegetation plan for the slopes and the unmaintained riparian zone to the USFWS and California Department of Fish and Wildlife (CDFW) for review and approval at least 60 days prior to planting of any seeds or container plants within the Project area. If the Project is constructed in stages, the revegetation will be accomplished at the conclusion of each respective stage. The revegetation plan will address the following:

- a. Total acreage of habitat to be restored
- b. The size and quantity of species to be planted
- c. Appropriate seed mixes and schedules of planting
- d. Revegetation success criteria
- e. 5-year maintenance and monitoring program to ensure that native plant cover is achieved, that non-native species do not out-compete the native species, and that the restoration of ecological function within the creek is successful.

**B-23** Disturbance or removal of vegetation shall not exceed the limits authorized for construction and operation and maintenance. Temporarily disturbed areas shall be restored to their original condition or better and will be described in the revegetation plan (see commitment 2 above). Restoration shall include the revegetation of stripped or exposed areas with native species.

**B-34** To minimize construction and operation and maintenance impacts to nesting birds, vegetation removal will be scheduled to occur between August 15 and March 15 (outside of the avian nesting season).

**B-3A5** If the project is completed in stages as described in the project description, prior to and during construction of the Base segment or Option 1, the Corps would require a qualified biologist to survey any potential vireo habitat immediately adjacent to the Base segment or Option 1 during the breeding season. In the event that vireos are detected within 500 feet of the Base segment, or Option 1, the Corps will require the construction contractor to provide a restricted buffer of 500 feet from the active construction area to the nearest

Exhibit "A"

edge of the vireo territory, to avoid any potential affects to vireo during the breeding season.

B-63B-A Corps biologist (or environmental monitor) shall monitor construction activities to ensure compliance with environmental commitments, which include:

B-6A Prior to construction activities, a qualified biologist shall conduct pre-construction training for all construction crew members. The training shall focus on required ~~mitigation measures~~ environmental commitments and conditions of regulatory agency permits and approvals. The training shall also include a summary of sensitive species and habitats potentially present within and adjacent to the proposed project site, including potential for vernal pools adjacent to the staging area at Jefferson Avenue and native southern willow scrub habitat and potential use of this habitat by least Bell's vireo.

B-6B4 Immediately prior to construction activities and throughout any portion of the construction period that takes place during the bird breeding season, a qualified biologist shall inspect the construction site and adjacent areas (using non-protocol surveys) to determine if any special-status species are nesting within 500 feet of the construction site. If active nests are found, the Corps biologist will coordinate with the ~~U.S. Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Game Wildlife (CDFG-CDFW)~~ to determine appropriate avoidance or minimization measures.

B-57 To prevent impacts to southwestern pond turtles, trapping will be conducted in all suitable pools prior to any construction related activity (brush clearance, ground disturbance, construction). Trapping will be conducted by a qualified biologist and consist of at least three trapping events. Southwestern pond turtles will be transported to sections of Murrieta Creek where suitable habitat has been located outside the construction area. Trapping will be coordinated with the CDFG and USFWS to determine the appropriate methods and suitable relocation areas.

B-68 To prevent impacts to burrowing owl ~~and red-legged frog~~, pre-construction surveys would be conducted for those species in suitable habitat. If burrowing owls are found, owls would be relocated outside of the nesting season in accordance with acceptable protocols.

B-79 With the exception of emergency repairs; all mowing, sediment removal, and scheduled maintenance activities involving heavy equipment or human presence in riparian habitat will be conducted between August 15 and March 15 (outside of the bird nesting season). Some ~~emergency~~ repairs may require maintenance work to occur for extended periods of time. If non-emergency repair work is to be conducted during the nesting season (i.e., vireo), the work area will be surveyed for active bird nests. If active nests are identified in the work area the nests and appropriate buffer (to be determined by the qualified biologist in coordination with the USFWS) will be avoided until the end of the nesting season. The appropriate buffer area will be indentified based on the the type of activity/repair work. A qualified biological monitor will be present during all non-

## Exhibit "A"

emergency ~~repair/brush-clearing~~ activities within the unmaintained riparian/low flow corridor between March 15 and August 15.

**B-108** Appropriate coordination/consultation will occur with resource agencies (USFWS, CDFW and Corps regulatory as appropriate) when emergency ~~prior to conducting~~ maintenance activities are required during the nesting season, and any necessary permits will be obtained. Resource agency representatives will be notified as early as possible and emergency coordination/consultation conducted and any necessary permits or approvals obtained prior to action taken. Under situations of imminent threat to life or property, obtaining permits and approvals prior to taking of an emergency action may not be possible. Under such circumstances, notification would be made to resource agency representatives of decision to proceed and emergency coordination/consultation would be performed after the emergency action. Contents of the notification will include: 1) point of contact information (name, address, email address, telephone number; 2) location of proposed project; 3) brief description of imminent threat to life or property and proposed project's purpose and need; 4) description of methods anticipated to be used to rectify the situation; and 5) brief description of the project area's existing condition and anticipated environmental impacts resulting from the proposed work.

**B-911** With the exception of scheduled invasive plant removal or temporary impacts from any necessary emergency repair work, vegetation will not be removed from the unmaintained riparian/low flow corridor or ~~channel sideslopes~~ as part of the scheduled maintenance plan. Large trees and shrubs above 3-4 feet on the vegetated slopes that would affect the flow conveyance capacity of the channel and integrity of the side slope protection would be trimmed or removed. All other shrubs on the side slopes would be maintained by cutting to maintain a maximum height of 3-4 feet.

**B-1011A** If vegetation is removed from the unmaintained riparian corridor or sideslopes as a result of emergency repairs, the site will be stabilized and revegetated with a native seed mix, cuttings and/or select container plantings to ensure the timely replacement of riparian trees removed as a result of the repair work. Revegetation plantings will be of sufficient quantity to ensure the rapid establishment of vegetation. Replacement plantings of riparian trees will not be required if the vegetation was removed as a result of natural scouring.

**B-12** The Corps will include a provision in the OMRR&R manual indicating that: If the District fails to perform the required vegetation maintenance for 2 consecutive years, prior to its resumption of maintenance, the District will conduct a vireo survey in the deferred-maintenance area and provide a report to the Corps and the USFWS indicating whether the deferred maintenance area is being used by vireos. This report will be used to assist the Corps in determining whether the resumption of maintenance would cause an effect to vireo not considered in the BO and reinitiation of consultation is required.

## Cultural Resources

- C-1 A qualified archeologist and a Pechanga Tribe Native American monitor will monitor project ground disturbing activities. The purpose will be to observe subsurface deposits for buried historic or prehistoric resources. If previously unknown resources are uncovered, construction in the area of the find will be temporarily halted. The find would be then be evaluated for the National Register of Historic Places (NRHP). If it were determined to be eligible for the NRHP, the Corps would consult with the SHPO on treatment of the remains in accordance with 36 CFR 800.13. The construction monitoring by the Pechanga Tribe will be conducted pursuant to the executed December 18, 2012 Master Cultural Resources Treatment and Tribal Monitoring Agreement between the RCFC&WCD and the Pechanga Tribe.

## Traffic

- T-1 A road improvement plan would be prepared during the final design stage of the project, and implemented during the construction phase. The plan would identify road segments, bridges, and culverts that need to be improved and turnout locations that need to be constructed to accommodate project construction, maintenance, and operational activities. The plan would also include measures for identifying any damage to existing roadways caused by construction vehicles. These damages would be repaired following completion of the project.
- T-2 A traffic control plan would be prepared during the final design stage of the project, and implemented during the construction phase. The plan would address and outline appropriate vehicular speeds in construction areas; travel routes, detours, bridge closures, or lane/road closures; flag-person requirements; appropriate signage and safety reflectors; coordination with local city agencies/departments and Caltrans for appropriate notification to the public; any utility relocation requirements; the location of staging areas; safety procedures to reduce hazards to motorists, bicyclists and pedestrians; approach to ensuring access to businesses and residences; and emergency information. The traffic control plan would be reviewed by appropriate entities, including the City of Temecula. The final version of the plan would be submitted to all appropriate entities.

## Air Quality

- AQ-1 Require 6.9 grams per horsepower standard for heavy duty construction equipment on- and off-road.
- AQ-2 Require injection timing retard of 2 degrees on all diesel vehicles, where applicable.
- AQ-3 Install high-pressure injectors on all vehicles, where feasible.
- AQ-4 Use Caterpillar pre-chamber diesel engines or equivalent, and perform proper



## Exhibit "A"

maintenance and operation.

- AQ-5 Electrify equipment, where feasible.
- AQ-6 Maintain equipment in tune with manufacturers' specifications, except as otherwise stated above.
- AQ-7 Restrict the idling of construction equipment to 10 minutes.
- AQ-8 Install catalytic converters on gasoline-powered equipment.
- AQ-9 Substitute gasoline-powered for diesel-powered, where feasible.

### PM<sub>10</sub> Emissions

The following PM<sub>10</sub> reducing construction practices would be implemented throughout the construction period:

- AQ-10 The speed limit on all unpaved roads would be 10 MPH.
- AQ-11 Gravel roads would be constructed for unpaved access/egress roads, and these roads would be watered hourly.
- AQ-12 All handled (i.e. loaded/unloaded) soil would be watered to 25 percent moisture, and active excavation/grading areas would be watered hourly to ensure 15 percent moisture.
- AQ-13 Street sweepers would be active at each unpaved road access/egress point for soil export (on- and off-site) and each on-site unpaved road access/egress point or materials import. Three street sweepers would be cleaning the entire soil export paved road route, beginning daily operation in the morning prior to the first haul truck and ending daily operation after cleaning the roadway after the passage of the last haul truck. The street sweepers will be wet-type "street washers" that will meet the requirements of SCAQMD Rule 1186 for PM<sub>10</sub> efficient street sweepers.
- AQ-14 Soil haul trucks would be covered, would have 18 inches of freeboard and would have soils on the top of the load watered, or shall be sufficiently wet to mitigate emissions.
- AQ-15 Inactive storage piles would be covered.
- AQ-16 All grading activities would be prohibited during periods of high winds (i.e., winds greater than 30 mph).
- AQ-17 Nontoxic chemical soil stabilizers would be applied to inactive construction areas (i.e., disturbed lands within construction areas that are unused for at least 4 consecutive days), or water at least twice daily.

## Exhibit "A"

AQ-18 Nontoxic binders (i.e., latex acrylic copolymer) will be applied to exposed areas after cut-and –fill operations and hydroseed the areas if appropriate for the project location.

AQ-19 Wheel washers would be installed for all exiting trucks.

### **Noise**

N-1 Construction or maintenance activities within 0.25 mile of residences or other noise-sensitive uses will be restricted to daytime hours. No construction or maintenance activities will be performed within 0.25 mile of noise sensitive uses on Sundays, on legal holidays, or between the hours of 6:30 p.m. and 7:00 a.m. Monday through Friday and Saturday, as per City of Temecula.

N-2 All construction and maintenance equipment will have sound-control devices that are at least as effective as those devices provided on original equipment. No equipment will have an unmuffled exhaust.

N-3 The contractor will implement appropriate additional noise mitigation measures, including, but not limited to, changing the location of stationary construction and maintenance equipment, shutting off idling equipment, rescheduling construction and maintenance activity, notifying adjacent residents in advance of construction and maintenance work, and installing acoustic barriers around construction and maintenance noise sources.

### **Hazardous Materials**

HZ-1 If a contaminated area is encountered during construction, construction would cease in the vicinity of the contaminated area. The contaminated areas shall be assessed to determine the extent and type of contamination. If necessary, the contaminated site would be remediated to minimize the potential for exposure of the public and to allow the project to safely be constructed.

### **Utilities and Public Services**

U-1 During the preliminary design phase of each project component, the utility service providers would be consulted to identify existing and proposed buried facilities in affected roadways and to determine which utilities require relocation and which can be avoided. If relocation is required, the appropriate utility service provider would be consulted to sequence construction activities to avoid or minimize interruptions in service. The Local Sponsor and contractor shall comply with permit conditions and such conditions shall be included in the contract specifications.

U-2 If utility service disruption is necessary, residents and businesses in the project area would be notified a minimum of two to four days prior to service disruption through local newspapers, and direct mailings to affected parties.

## Exhibit "A"

- U-3 The contractor would be required to excavate around utilities, including hand excavation as necessary, to avoid damage and to minimize interference with safe operation and use. Hand tools must be used to expose the exact location of buried gas or electric utilities.
  
- U-4 Prior to construction during the Plans and Specifications phase, utility locations shall be verified through field surveys.