

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>The purpose of the proposed Project is to implement the Line H component of the MDP to provide improved drainage and flood protection to the tributary watershed. Implementation of the proposed Project would extend infrastructure in the area. However, this infrastructure has been identified in the MDP to provide storm flow protection to the build out conditions of the City of Banning. Therefore population growth in excess of conditions already considered in the MDP would not result from Project implementation.</p>				
<p>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The Proposed Line H Storm Drain would be constructed within the Hathaway Street and Wesley Street right-of-ways and would outlet at Smith Creek. Implementation of the project would not displace existing housing or require the construction of replacement housing elsewhere.</p>				
<p>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The Project would be constructed within the Hathaway Street and Wesley Street right-of-ways and would outlet at Smith Creek. Implementation of the Project would not displace people or require the construction of replacement housing elsewhere.</p>				
Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>XIII. PUBLIC SERVICES</p>				
<p>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:</p>				
<p>Fire protection?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The City of Banning has contracted fire protection with the Riverside County Fire Department. The Riverside County Fire Department provides full service including: fire protection, paramedic response, hazardous materials response, search and rescue, swift water rescue, and disaster preparedness. Construction of the proposed Project could have the potential to temporarily reduce access for emergency vehicles near the Project site. However, all construction activities would be carried out in accordance with all applicable City of Banning and RCFC&WCD emergency access standards, and adequate access would be maintained during construction. Operation of the storm drain would not require additional fire protection. No substantial adverse physical impacts would occur to fire services.</p>				
<p>Police protection?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The Banning Police Department consists of 27 sworn personnel and 12 classified personnel. Services offered by the department include: field patrol, detective bureau, emergency tactical unit, gang task force, school resource officer, and reserve police officer program. Construction of the Proposed Project could have the potential to temporarily reduce access for emergency vehicles near the Project site. However, all construction activities would be carried out in accordance with all applicable City of Banning and Banning Police Department emergency access standards, and adequate access would</p>				

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
be maintained during construction. Operation of the proposed storm drain is passive and would not require additional police protection.				
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No population increase in the Project area would result from construction, operation and maintenance of the proposed storm drain. Accordingly, no impacts to local schools would result.				
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The construction, operation and maintenance of the proposed Project would not generate any additional population that would increase demand for neighborhood or regional parks or other recreational facilities. Accordingly, impact to parks would result.				
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The construction, operation and maintenance of the proposed storm drain is not expected to result in impacts associated with any other public facilities in the area or in the City of Banning as a whole.				
Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities. The Project does not involve new housing or employment opportunities that would generate users that could result in an increased use of existing parks or recreational facilities or necessitate their expansion. No impacts are anticipated.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Proposed Project is the construction of a storm drain system within the Hathaway Street and Wesley Street right-of-ways. The Project does not involve the construction of recreational facilities or require expansion of existing recreational facilities. No impacts would occur.				
Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION AND TRAFFIC. Would the project:				
a) Conflict with an adopted plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				

The Circulation Element of the City of Banning General Plan outlines the existing road network and forecasts conditions at build out. In order to preserve and increase the available roadway capacity, the City has adopted a Transportation Demand Management ordinance compliant with the Riverside County Transportation Commission's regional Congestion Management Program. The City's policy is to maintain at minimum Level of Service C (LOS C) on city streets. LOS C is defined as stable operations with some restricted mid-block maneuverability.

The proposed Project would be constructed within the Hathaway Street and Wesley Street right-of-ways. Land uses along the storm drain alignment include the Banning Municipal Airport, airport related industrial uses, and residential uses. During construction, local traffic patterns would be impacted along the alignment. The storm drain would be installed in sections no longer than 500 feet at a time within an approximately 2,000-foot long work zone. After the installation of the storm drain within the work zone, the open trench in the street would be backfilled, paved, and returned to normal operation. In order to be consistent with requirements specified by the City, as well as to ensure job-site safety the RCFC&WCD would implement the following construction practices as part of a Traffic Control Plan (TCP).

- Construction areas shall be guarded by barriers
- During construction, temporary traffic control devices, signs, and flaggers would be provided to minimize traffic congestion. At nighttime, all barricades shall be provided with flashing/steady burn warnings, and all delineators shall have white reflective bands. All barricading and traffic controls shall conform to the latest editions of the Standard Specifications for Public Works Construction (Greenbook) and the Work Area Traffic Control Handbook (WATCH)
- Safe and adequate pedestrian and vehicular access shall be provided to police and fire stations, schools, fire hydrants, hospitals, commercial buildings, industrial establishments, and residential uses. The access to these facilities shall be continuous and unobstructed.
- Temporary traffic lanes shall have a minimum of 10 feet in width to provide safe access to cars, buses, trucks, and trailers.
- The construction of the storm drain would create some minor temporary impacts to the existing street parking facilities. However, the RCFC&WCD shall coordinate the construction activities with the City to minimize any potential impacts to the existing street parking facilities. The maximum length of open trench shall be limited to 500 feet.
- The RCFC&WCD shall assign a full-time construction inspector to the project to monitor construction activities and to ensure that all traffic requirements specified by the City are implemented.

Temporary impacts to the local road network during construction are not anticipated to result in significant traffic load or congestion. Less than significant impacts are anticipated.

b) Conflict with an adopted congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the appropriate congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Based on 24 workers in a typical 11-hour day driving alone to the project Site, the proposed Project is not expected to add more than 24 morning or evening peak hour trips. Traffic at the Project site would only be generated during the temporary construction period. No traffic would be generated by the operation and maintenance of the storm drain.

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Traffic impacts during construction would be less than significant; no impacts would occur once the storm drain is operational.				
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction of the proposed storm drain would temporarily alter existing street/traffic patterns along the alignment. Temporary changes to traffic patterns and levels of service during the construction phase would be limited to the immediate area where construction activities are occurring. All changes to the traffic pattern would be coordinated with the City to minimize impacts to motorists, public transportation patrons, and pedestrians. No design features (e.g., sharp curves or dangerous intersections) or incompatible uses are proposed as part of this Project. No impacts are anticipated.				
d) Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The proposed Project would not hinder emergency access to the area. All construction period detour or other changes to traffic patterns would allow for adequate emergency access. Following installation of the storm drain all surface streets would be repaved and resurfaced to pre-existing conditions. Less than significant impacts to emergency access are anticipated.				
e) Would the project result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lane closures during construction activities in the Hathaway Street and Wesley Street right-of-ways would result in temporary loss of street parking. The parking deficit would be temporary and would not affect the long-term street parking capacity along the storm drain alignment or in the surrounding vicinity. Operation and maintenance of the storm drain would not generate vehicle trips and would not require any parking. No significant impacts are anticipated.				
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, pedestrian facilities, or other alternate transportation or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed Project would not conflict with adopted policies supporting alternative transportation. As discussed above, construction activities would be coordinated with the City in order to minimize impacts to alternative transportation facilities (e.g., bus stops, bike lanes). Additionally, as identified in the Banning General Plan and in local transit maps, no designated bicycle lanes or bus stops occur along the proposed alignment. No impacts are anticipated.				
Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Impact the following facilities requiring or resulting in the construction of new facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
Electricity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The proposed Project is the construction operation and maintenance of a gravity fed storm drain system that would not require electricity. Implementation of the proposed Project would not create demand for electricity that would require or result in the construction of new facilities or expansion of existing facilities. No impact is anticipated.				
Natural Gas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed Project is the construction of a gravity fed storm drain system. The system would not require natural gas for operation. According to the Circulation Element of the General Plan, a major high-pressure natural gas pipeline traverses the City under Lincoln Street through the City. Lincoln Street is located approximately 500 feet north of the Project area construction limits. Additionally, two crude oil or petroleum lines occur from the airport southwesterly to Wesley Street, then westerly to the western City Limits. During construction, some underground utilities may need to be relocated. The Underground Service Alert would be notified of planned excavation activities 48 hour before excavation. No impacts are anticipated.				
Communication System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed Project is the construction, operation and maintenance of a gravity fed storm drain system. Implementation of the Project would not require communication systems for operations. During construction, some existing underground utilities may need to be relocated. The Underground Service Alert would be notified of planned excavation activities 48 hour before excavation. No impacts are anticipated.				
Street lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed Project is a gravity fed storm drain system that does not require additional lighting or permanent lighting. No impacts to street lighting would occur.				
Public facilities, including roads and bridges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The proposed Project would result in temporary impacts related to excavation at portions of Hathaway Street and Wesley Street for installation of the storm drain. All excavated areas would be backfilled and repaved once installation of the storm drain at each location has been completed. All resurfacing and pavement delineation, curbs, sidewalks, and other improvements are to be reconstructed in and at the same locations and elevations as the existing improvements. Impacts on the local roads would be temporary and less than significant.				
b) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed Project is the construction, operation and maintenance of a new storm drain, outlet to Smith Creek, and associated facilities within the Hathaway Street and Wesley Street right-of-ways, private property and Smith Creek in the City of Banning. The storm drain is intended to collect flows emanating from the watershed roughly bounded by Interstate 10/Union Pacific Railroad to the north, Hargrave Avenue to the West, South Hathaway Street to the east, and Wesley Street to the south. Construction, operation and maintenance of the proposed storm drain is not anticipated to result in significant environmental effects.				
c) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The proposed Project is the construction, operation and maintenance of a gravity fed storm drain system and does not generate a demand for water resources. Implementation of the Project would not impact available water supplies.				
d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed Project is the construction, operation and maintenance of gravity fed storm drain system that would outlet directly to Smith Creek. Operation of the storm drain would not require wastewater treatment and would not create a demand on the existing wastewater treatment provider.				
e) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Excavation and construction debris would be disposed of appropriately. The amount of debris generated during project construction is not expected to significantly impact landfill capacities. Operation of the storm drain would not generate any domestic solid waste. No significant impacts to landfill capacity are anticipated.				
f) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction debris would be recycled or disposed of in accordance to local and regional standards. Operation and maintenance of the Project would not generate any domestic solid waste. No significant impacts related to solid waste are anticipated.				
Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The proposed storm drain would be installed within the Hathaway Street and Wesley Street right-of-ways; less than significant impacts are anticipated from construction in the street right-of-ways. Undeveloped parcels adjacent to the pipeline alignment have potential habitat for burrowing owl and may be temporarily impacted by construction on the right-of-ways. The proposed outlet structure at Smith Creek would be constructed on the existing concrete bank. Additionally, a rip-rap apron would be installed within Smith Creek at the storm drain outfall. Construction of the outfall and associated improvements would result in permanent impacts to approximately 0.1 acres of Smith Creek, during construction an area of up to 1.41 acres on the Smith Creek bench would be temporarily impacted for access. Riversidian alluvial fan sage scrub on the Smith Creek bench would be temporarily impacted during construction. The Riversidian				

Issues and Supporting Information Sources:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>alluvial fan sage scrub provides cover and forage habitat for wildlife species, and during focused surveys the area was found to be occupied by Los Angeles pocket mouse, north American deer mouse, and Dulzura kangaroo rat. Impacts to the habitat of these species would be temporary and occur during construction of the outfall structure. The habitat would be returned to pre-construction conditions. Impacts to the Riversidian alluvial fan sage scrub and riverine functions of Smith Creek were determined to be less than significant and no mitigation is warranted. Potential impacts to burrowing owl would be reduced to a less than significant level via implementation of Mitigation Measure 1 as discussed in Section IV (a) of this checklist.</p> <p>Implementation of the proposed Project would not result in conditions that would degrade the quality of the environment, substantially reduce the habitat or restrict the range of sensitive wildlife resources and would not cause sensitive wildlife populations to drop below self-sustaining levels. Less than significant impacts are anticipated with the incorporation of mitigation.</p>				
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (<i>"Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</i>)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The proposed Project is the construction, operation and maintenance of a gravity fed storm drain and associated improvements within the Hathaway Street and Wesley Street right-of ways, private property and within RCFC&WCD rights-of-way at Smith Creek. The Project is identified as the Line H storm drain recommended project in both the Banning Master Drainage Plan and City of Banning General Plan. The purpose of the Project is to provide improved drainage and flood protection to the tributary watershed. Implementation of the project would extend infrastructure in the area; however this infrastructure has been identified in the master drainage plan and General Plan to provide storm flow protection to the build-out conditions of the city. As discussed in this document, potential adverse impacts are temporary and will cease upon construction completion. Further, due to the Project's relatively small area of impact and short construction duration, potential impacts would not be cumulatively considerable.</p>				
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The proposed Project is limited to the construction, operation and maintenance of a storm drain system. The proposed Project would result in infrastructure facilities to convey the one (1) percent chance flood that emanates from the tributary watershed. The project would not change any of the existing land use conditions. Implementation of the Project would not alter the existing grade or drainage pattern of the vicinity. Following installation of the storm drain all surface streets would be repaved and resurfaced to pre-existing conditions. No substantial adverse effects on human beings are anticipated either directly or indirectly.</p>				

REFERENCES

California Department of Transportation. Scenic Highway Designation. www.dot.ca.gov/hq/LandArch/Scenic/schyw.htm.

City of Banning General Plan.

City of Banning Municipal Code

Matrix Geotechnical Consulting Inc. May 5, 2013. *Preliminary Geotechnical Investigation for the Proposed Riverside County Flood Control & Water Conservation District (RCFC&WCD) Approximate 4,000 Linear Foot MDP Line H Storm Drain, Located in the City of Banning, County of Riverside, California*. Prepared for JLC Engineering and Consulting, Inc.

McKenna et al. June 25, 2014. *A Phase I Cultural Resources Investigation for the Proposed City of Banning MDP Line H, Stage 1 Pipeline and Tie-In Installations on Hathaway Street, City of Banning, Riverside Co., California*. Prepared for Lilburn Corporation.

Natural Resources Assessment, Inc. December 5, 2014. *General Biological Resources Assessment Banning Master Drainage Plan Line H, State 1 Project Riverside County Flood Control and Water Conservation District Banning, Ca*. Prepared for Lilburn Corporation.

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Riverside County Transportation and Land Management Agency. 2003. *Western Riverside County Multiple Species Habitat Conservation Plan: Final MSHCP*. Prepared by Dudek & Associates.

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State of California Department of Toxic Substances Control. *EnviroStor Hazardous Waste and Substances Site List*. Accessed May 20, 2014 from www.envirostor.dtsc.ca.gov.

United States Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Western Riverside Area, California*. Retrieved May, 9, 2014.

APPENDIX A
AIR QUALITY PRINTOUT

**Banning Storm Drain Improvements
Import & Export of Material**

Operation	Emission Factor	Units	Equation Variables		GHG Emissions			
			1	2	CO2 lbs/day	CH4 lbs/day	N2O g/day	
Delivery Vehicle Emissions Onsite				vmt				
CO2 Export Material	4.210	lbs/mile	3	45	568.35			
Import Material	4.210	lbs/mile	15	45	2841.75			
CH4 Export Material	0.000	lbs/mile	3	45		0.0		
Import Material	0.000	lbs/mile	15	45		0.1		
N2O Export Material	0.000	g/mile	3	45			0.0	
Import Material	0.000	g/mile	15	45			0.0	
Total					3410.1	0.1	0.0	
MTCO2e						1.7		

Source: SCAQMD: Emission Factors for On-Road Heavy Heavy Duty Diesel Trucks 2015

Note: 20 CY per load

Source N2O: California Climate Action Registry General Reporting Protocol, 2009I;

Table A9-8-C SCAQMD Handbook; Climate Leaders EPA, Section 3, Table 2

APPENDIX B
RESPONSE TO COMMENTS



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 30, 2015

Mrs. Leslie MacNair
California Department of Fish & Wildlife
Inland Deserts Region
78-078 Country Club Drive, Suite 109
Bermuda Dunes, CA 92203

Dear Mrs. MacNair:

Re: Draft Mitigated Negative Declaration
Banning Master Drainage Plan Line H,
Stage 1
Project SCH#2015061074

Thank you for your July 28, 2015 letter commenting on the District's Banning Master Drainage Plan Line H, Stage 1 Project. The District has prepared this letter to address the environmental comments in your letter. Each numbered response below corresponds to the bracketed comments on the enclosed letter.

A-1 Sections IV (a), IV (b) and IV (f) of the CEQA document contain sufficient, specific, and current biological information on the existing habitat and species at the Project site as well as measures to minimize and avoid sensitive resources and mitigation measures to reduce any identified significant impacts. A General Biological Resources Assessment was prepared to support the CEQA document analysis and findings.

No new environmental issues have been raised by this comment and no modification of the IS/MND is required.

A-2 Section IV (f) of the CEQA document includes a thorough discussion of consistency with the MSHCP (as outlined for the District in the Implementing Agreement). There are no other applicable approved habitat conservation plans or natural community conservation plans in the project area.

No new environmental issues have been raised by this comment and no modification of the IS/MND is required.

A-3 Section IV (a) of the CEQA document includes a thorough discussion of burrowing owls.

No new environmental issues have been raised by this comment and no modification of the IS/MND is required.

A-4 As outlined in Section IV (c) of the CEQA document, the Project will impact waters subject to the jurisdiction of the CDFW. The District will apply for a Section 1602 Streambed Alteration Agreement from the CDFW.

No new environmental issues have been raised by this comment and no modification of the IS/MND is required.

A-5 A discussion of cumulative impacts is provided in Section XVII (b) of the CEQA Document.

No new environmental issues have been raised by this comment and no modification of the IS/MND is required.

A-6 Alternative analysis as outlined CEQA Guidelines Section 15126.6 is not required for Mitigated Negative Declarations; CEQA Guidelines Section 15126.6 applies only to Environmental Impact Reports.

No new environmental issues have been raised by this comment and no modification of the IS/MND is required.

A-7 The Comment Letter recommends that the following CDFW concerns be addressed in the CEQA document:

"1. The CEQA document should quantify impacts to habitats and species as per the information requirements of CEQA. An accompanying map showing the areas of impact should also be included."

The Sections IV (a), IV (b) and IV (f) of the CEQA document contain sufficient, specific, and current biological information describing the existing habitat and species at the Project site.

"2. The CEQA document should include recent biological surveys for fauna and flora (CEQA Guidelines Section 15125(a))."

Section IV of the CEQA document included the results of a field survey habitat assessment, a jurisdictional delineation, and results of focused burrowing owls and small mammal trapping surveys.

"3. The CEQA document should provide an analysis of habitat conservation plans and natural community conservation plans, including the MSHCP. The CEQA document should include a discussion of how the project will affect reserve assembly; how the Project will affect the goals and objectives of the NCCP; the applicable policies and procedures that pertain to the Project; a discussion of survey requirements; and a list of proposed mitigation measures required by the NCCP."

The CEQA document includes a complete analysis of the Project's consistency with the MSHCP in Section IV (f). There are no other applicable approved habitat conservation plans or natural community conservation plans in the project area.

"4. The analysis in the CEQA document should satisfy the requirements of the Department's Lake and Streambed Alteration Program and CESA (if deemed necessary)."

As outlined in Section IV (c) of the CEQA document, the Project will impact waters subject to the jurisdiction of the CDFW. The District will apply for a Section 1602 Streambed Alteration Agreement from the CDFW.

"5. The Department recommends that a CESA ITP be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project, and the applicant chooses not to process the Project through the NCCP."

Mrs. Leslie MacNair
Re: Draft Mitigated Negative Declaration
Banning Master Drainage Plan Line H,
Stage 1
Project SCH#2015061074

-3-

November 30, 2015

The Project is located within the Western Riverside MSHCP and is a covered activity under Section 7.1 of the MSHCP as discussed in Section IV of the CEQA document. Take is authorized through the MSHCP and a CESA ITP will not be required.

"6. The CEQA document should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts."

A discussion of cumulative impacts is provided in Section XVII (b) of the CEQA Document.

"7. The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6)."

Alternative analysis as outlined CEQA Guidelines Section 15126.6 is not required for Mitigated Negative Declarations; CEQA Guidelines Section 15126.6 applies only to Environmental Impact Reports.

No new environmental issues have been raised by these comments and no modification of the IS/MND is required.

The proposed project and Mitigated Negative Declaration are scheduled to be considered by the District's Board on December 15, 2015. Should you have any further questions, please call Jason Swenson at 951.955.8080 or me at 951.955.1233.

Very truly yours,



MIKE WONG
Engineering Project Manager

Enclosure

cc: Mike Wong
Jason Swenson

JDS:mcv
P8\201032



State of California - The Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
 78-078 Country Club Drive, Ste. 109
 Bermuda Dunes, CA 92203
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



July 28, 2015

Mike Wong
 Riverside County Flood Control and Water Conservation
 1995 Market Street
 Riverside, CA 92501

Subject: Draft Mitigated Negative Declaration Banning Master Drainage Plan Line H, Stage 1 Project SCH# 2015061074

Dear Mr. Wong:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Banning Master Drainage Plan Line H, Stage 1 Project (Project). The Department is responding to the MND as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The Riverside County Flood Control and Water Conservation District proposes to construct, operate and maintain an underground storm drain system comprised of approximately 200 feet of 7-foot wide by 4-foot high reinforced concrete Box (RCB) and approximately 3,700 feet of reinforced concrete pipe ranging in size from 48-inches to 72-inches in diameter which is intended to collect tributary flows from the watershed roughly bounded by the I-10/Union Pacific Railroad to the north, Hargrave Avenue to the west, South Hathaway Street to the east, and Wesley Street to the South. The underground storm drain would be constructed along South Hathaway Street, beginning at approximately East Barbour Street and extending approximately 0.5-mile south to Wesley Street and then continuing east along Wesley Street for approximately 0.25-mile to a proposed outlet at the Smith Creek Channel.

Biological Resources and Impacts

The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration Agreement.



If state or federal endangered or threatened species have the potential to occur on the Project, site species specific surveys should be conducted using methods approved by the Department or assume the presence of the species throughout the project site. The CEQA document should include recent survey data (CEQA Guidelines Section 15125(a)). The CEQA document should also address species of special concern and federal critical habitat. To assist with review, an accompanying map showing the areas of impact should be included in the subsequent CEQA document. Additional maps detailing the location of endangered, threatened, or special of special concern should also be included in the subsequent CEQA document.

A-1

Natural Community Conservation Program (NCCP) and California Endangered Species Act (CESA)

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Plan Program (NCCP Program). Within the Inland Deserts Region, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) per Section 2800, et seq., of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

A-2

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <http://www.rctlma.org/mshcp/>.

Western Burrowing Owls

The proposed Project site is located in potential habitat for the Western Burrowing Owl (*Athene cunicularia*). This species is designated a California Species of Special Concern. Section 15380 of the California Environmental Quality Act (CEQA) requires the lead agency to treat sensitive species as though they were listed, if the species meets the criteria for listing described in the section. The Department believes that the proposed project could further the decline of the above sensitive species. This species must be treated as though it were listed and appropriate avoidance, mitigation, and compensation for impacts need to be identified. Unavoidable impacts to the Western Burrowing Owl should be mitigated through acquisition and protection, in perpetuity, of high quality biological habitat. In addition, surveys and mitigation should be consistent

A-3

with the 2012 Department Staff Report on Burrowing Owl Mitigation (link: <http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>).

Lake and Streambed Alteration Program

Although the proposed Project is within the MSHCP, a Notification of Lake or Streambed Alteration is still required by the Department, should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools). The Department is responsible for assessing and evaluating impacts to jurisdictional waters; typically accomplished through reviewing jurisdictional delineation (JD) reports, supporting information, and conducting site visits. Following review of a JD, the Department may request changes to the JD. The Department may also recommend that additional project avoidance and/or minimization measures be incorporated, or request additional mitigation for project-related impacts to jurisdictional areas.

The Department recommends submitting a notification early in the project planning process, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

The Department opposes the elimination of ephemeral, intermittent, and perennial streams, channels, lakes, and their associated habitats. The Department recommends avoiding stream and riparian habitat to the greatest extent possible. The CEQA document should include measures to avoid or minimize project impacts. Where adverse impacts cannot be avoided or minimized, the CEQA document should describe compensatory mitigation, for example, the creation and/or restoration of in-kind habitat either on- or off-site. Additional mitigation requirements through the Department's Lake and Streambed Alteration Agreement process may be required, depending on the quality of habitat impacted, proposed compensatory mitigation, project design, and other factors.

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA Guidelines for the definition of mitigation.

A-3

A-4

In the absence of specific mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are and how they are being mitigated (CEQA Guidelines Section 15002).

A-4

Cumulative Impacts

The Project is proposed in a densely populated region of southern California. The regional scarcity of biological resources may increase the cumulative significance of Project activities. Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

A-5

Alternatives Analysis

The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). The analysis should include a range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources. The Department considers Rare Natural Communities as threatened habitats, having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.

A-6

Please note that the Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

Department Recommendations

The Department has the following concerns about the Project, and requests that these concerns be addressed in the CEQA document:

A-7

1. The CEQA document should quantify impacts to habitats and species as per the informational requirements of CEQA. An accompanying map showing the areas of impact should also be included.

2. The CEQA document should include recent biological surveys for fauna and flora (CEQA Guidelines Section 15125(a)). The Department recommends that the Lead Agency contact the Department's California Natural Diversity Database (CNDDDB) in Sacramento, (916) 327-5960, to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the California Fish and Game Code. If state or federal threatened or endangered species may occur within the project area, species specific surveys, conducted at the appropriate time of year and time of day, should be included with the CEQA document. Acceptable species specific surveys have been developed by the Department, and by the U.S. Fish and Wildlife Service, and are accessible through each agencies websites. Assessments for rare plants and rare plant natural communities should follow the Department's 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If the Department's 2009 guidelines were not used, surveys conducted after the issuance of the 2009 guidance should be updated following the 2009 guidelines. The guidance document is available

here:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf

3. The CEQA document should provide an analysis of habitat conservation plans and natural community conservation plans, including the MSHCP. The CEQA document should include a discussion of how the project will affect reserve assembly; how the Project will affect the goals and objectives of the NCCP; the applicable policies and procedures that pertain to the Project; a discussion of survey requirements; and a list of proposed mitigation measures required by the NCCP. A copy of any documents required by the NCCP (e.g., Determination of Biologically Equivalent or Superior Preservation) should be included with the CEQA document.

4. The analysis in the CEQA document should satisfy the requirements of the Department's Lake and Streambed Alteration Program and CESA (if deemed necessary).

5. The Department recommends that a CESA ITP be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project, and the applicant chooses not to process the Project through the NCCP. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. The Department encourages early consultation, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA ITP. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Banning Master Drainage Plan (SCH# 2015061074)

July 28, 2015

Page 6 of 6

6. The CEQA document should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts.

7. The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6).

In summary, the Department requests that the CEQA document include current information regarding biological resources, adequately address whether the project will be processed through the MSHCP, provide a thorough analysis of cumulative impacts, and provide an alternatives analysis. If you should have any questions pertaining to these comments, please contact Mr. James Sheridan, Environmental Scientist, either via email at James.Sheridan@wildlife.ca.gov or via phone at (760) 200-9419.

Sincerely,



Leslie MacNair
Regional Manager
Inland Deserts Region

ec: Michael Flores, Senior Environmental Scientist, CDFW



ATTACHMENT "E"

Mitigation Monitoring and Reporting Program

**MITIGATION MONITORING AND REPORTING PROGRAM
Banning Master Drainage Plan Line H, Stage 1**

Issue	Potential Impact	Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Biological Resources	The proposed Project contains suitable habitat for burrowing owl and implementation of the Project has the potential to impact burrowing owl.	Mitigation Measure 1: A pre-construction survey for burrowing owls shall be conducted no more than 30-days prior to grading or ground disturbing activity. The pre-construction survey and any relocation of burrowing owls, if present, shall be conducted in accordance with current MSHCP survey guidelines and protocols.	Pre-construction survey	RCFC&WCD	CDFW	No more than 30-days prior to grading or ground disturbance
Biological Resources	The proposed project has the potential to impact nesting birds if construction occurs during the nesting season.	Mitigation Measure 2: If vegetation must be removed during the nesting season (February 1 st – August 31 st), a qualified biologist will conduct a nesting bird survey of potentially suitable nesting vegetation prior to removal. If active nests are identified, the biologist will establish appropriate buffers around the vegetation containing active nests. The vegetation containing active nests will not be removed, and no grading will occur within the established buffer, until a qualified biologist has determined that the nest is no longer active.	Pre-construction survey	RCFC&WCD	CDFW; USFWS	Prior to grading or ground disturbance if construction is scheduled to occur between February 1 st – August 31 st .
Biological Resources	The proposed Project has the potential to impact USACE jurisdictional waters.	Mitigation Measure 3: In order to avoid impacts to Corps jurisdictional area, prior to initiation of construction activities at Smith Creek, the jurisdictional area will be delineated by the RCFC&WCD and marked for avoidance.	Delineation of Project area	RCFC&WCD	USACE	Prior to grading or ground disturbance at Smith Creek.

Issue	Potential Impact	Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Cultural Resources	Ground disturbing activities have the potential to impact cultural resources along Hathaway Street, south of Bryan Street and along Wesley Street from Hathaway Street to Smith Creek.	<p>Mitigation Measure 4: An archaeological monitor shall be present for all excavations conducted along Hathaway Street, south of Bryan Street, and along Wesley Street from Hathaway Street to Smith Creek. Should resources be uncovered, the monitor shall identify and record the resource. If evidence of Native American resources is identified, a local Native American representative may be added to the monitoring program, if requested by the local Native American tribe (in this case, a representative of the Morongo Band of Mission Indians).</p>	Construction Monitoring	RCFC&WCD	State Historic Preservation Office	During earth work activities along Hathaway Street, south of Bryan Street and along Wesley Street from Hathaway Street to Smith Creek.

ATTACHMENT "F"

Notice of Determination

Notice of Determination

To: Office of Planning and Research

For U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street

Sacramento, CA 95814

From: Riverside County Flood Control

1995 Market Street

Riverside, CA 92501

Contact: Mike Wong

Phone: 951.955.1233

County Clerk

County of Riverside

2724 Gateway Drive

Riverside, CA 92507

Lead Agency: Same as above

Subject: Filing of Notice of Determination in compliance with Public Resources Code Section 21152.

State Clearinghouse Number: 2015061074

Project Title: Banning Master Drainage Plan Line H, Stage 1

Project Location

The project site is generally bounded on the north by Interstate 10, on the east by the City of Banning Water Reclamation Facility, on the south by Porter Street and on the west by South Hargrave Street in the city of Banning, Riverside County. The proposed project area can be found within Township 3 South, Range 1 West, and Sections 10, 11, 14 and 15 of the Cabazon 7.5 Series Topographic Quadrangle maps.

Project Description

The District proposes to construct, operate and maintain an underground storm drain system comprised of approximately 200 feet of 7-foot wide by 4-foot high reinforced concrete box and approximately 3,700 feet of reinforced concrete pipe ranging in size from 48-inches to 72-inches in diameter. The underground storm drain would be constructed along South Hathaway Street, beginning at approximately East Barbour Street and extending approximately 0.5 mile south to Wesley Street and then continuing east along Wesley Street for approximately 0.25 mile to a proposed outlet at the Smith Creek Channel. Existing utilities within Wesley and South Hathaway Streets may need to be relocated during construction. Associated appurtenant structures to be constructed within and adjacent to Hathaway Street and Wesley Street right-of-ways include inlets, and catch basins. A wing wall outlet structure and riprap apron would be constructed at the storm drain outlet proposed at Smith Creek. This wing wall outlet structure would require removal and reconstruction of existing concrete slope paving at Smith Creek.

Determination

This is to advise that the Riverside County Flood Control and Water Conservation District (Lead Agency) has approved and certified pursuant to the California Environmental Quality Act (CEQA) the above-described Project on December 15, 2015 and has made the following determinations regarding the above-described Project:

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

Public Access to Environmental Document

The MND is available to the General Public at the Office of the Clerk of the Board, County Administrative Center, 4080 Lemon Street, Riverside, CA 92501. The MND is also available at the Riverside County Flood Control and Water Conservation District office located at 1995 Market Street, Riverside, CA 92501.

Signature (Public Agency)

Title

Date

Date Received for Filing at OPR

ATTACHMENT "G"

**Authorization to Bill for Notice of Determination CDFW Filing
Fees**

RIVERSIDE COUNTY CLERK-RECORDER

AUTHORIZATION TO BILL

TO BE FILLED OUT BY SUBMITTING AGENCY

DATE: 11/19/2015 BUSINESS UNIT/AGENCY: FLOOD CONTROL - FCARC

ACCOUNTING STRING:

ACCOUNT: 526410 FUND: 25150

DEPT ID: 947480 PROGRAM: _____

AMOUNT: \$2,260.00

REF: Banning MDP Line H, Stage 1 (225-5-8-00177-01-30) proj. 5-0-00177-01

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

NUMBER OF DOCUMENTS INCLUDED: 1

AUTHORIZED BY: Michael Reyes *MR 11/19/15*

PRESENTED BY: Jason Swenson 5-8082

CONTACT: Michael Reyes 5-6955

TO BE FILLED OUT BY COUNTY CLERK

ACCEPTED BY: _____

DATE: _____

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