

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

8178



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
November 15, 2011

**SUBJECT:** Day Creek Master Drainage Plan Line J, Stage 2  
Project No. 2-0-00272-02

**RECOMMENDED MOTION:**

1. Adopt Resolution No. F2011-26 which finds that the project will not have a significant adverse effect upon the environment and is in compliance with the Western Riverside County Multiple Species Habitat Conservation Plan; and
2. Adopt a Mitigated Negative Declaration for the project based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and
3. Approve the Project Final Design and authorize the District to proceed therewith; and
4. Direct the Clerk of the Board to deliver the Mitigated Negative Declaration and the Notice of Determination to the office of the County Clerk and the State Office of Planning and Research for filing within five (5) working days of this Board meeting.

**BACKGROUND:**

See Page 2.

**FINANCIAL:**

N/A

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

**FINANCIAL DATA**

Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
Annual Net District Cost:	N/A	For Fiscal Year:	N/A

**SOURCE OF FUNDS:** N/A

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

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

APPROVE

BY:   
Michael R. Shetler

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY:   
MICHELLE CLACK  
DATE: 10/31/11

Policy  
 Policy  
 Consent  
 Consent  
 Dep't Recomm.:  
 Per Exec. Ofc.:

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley  
 Nays: None  
 Absent: Tavaglione  
 Date: November 15, 2011  
 xc: Flood, Recorder, State Planning

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

**Prev. Agn. Ref.:**

**District:** 2<sup>nd</sup>

**Agenda Number:**

**11.2**

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

**SUBJECT:** Day Creek Master Drainage Plan Line J, Stage 2  
Project No. 2-0-00272-02

**SUBMITTAL DATE:** November 15, 2011  
**Page 2**

**BACKGROUND:**

The Day Creek Master Drainage Plan Line J, Stage 2 project was identified in the Day Creek Master Drainage Plan Revision No. 2 which was approved at a public hearing on April 14, 1998 in accordance with the requirements of CEQA and Section 18 of the District Act.

The proposed project is a plan to develop the Stage 2 portion of the Day Creek Master Drainage Plan Line J storm drain facility. The project consists of facility construction, and subsequent operation and maintenance. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide Reinforced Concrete Box (RCB) culvert that crosses underneath 68<sup>th</sup> Street near the northeast corner of the intersection of 68<sup>th</sup> Street and the I-15. From the connection at 68<sup>th</sup> Street, Line J extends northerly as a 6-foot high by 12-foot wide RCB for approximately 1,930 lineal feet where it connects to an existing upstream portion of Line J on the westerly side of Pats Ranch Road. Line J, Stage 2 will be a closed conduit constructed mostly below the earth's surface and will be completely confined.

Currently, Line J is constructed from the Bellegrave Basin, at the southwest corner of Bellegrave Avenue and Wineville Avenue, and continues southerly to the Limonite Avenue/Pats Ranch Road intersection. From this intersection, Line J runs within Pats Ranch Road discharging on the western side of the road directly across from Limonite Meadows Park.

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

**RESOLUTION NO. F2011-26  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
APPROVING THE PROJECT FINAL DESIGN OF THE  
DAY CREEK MASTER DRAINAGE PLAN LINE J, STAGE 2 PROJECT**

WHEREAS, the Day Creek Master Drainage Plan Line J, Stage 2 Project (hereinafter referred to as the "Project") is located in Zone 2 within the city of Jurupa Valley; and

WHEREAS, the proposed Project site is located near the intersection of the Interstate 15 Freeway and 68<sup>th</sup> Street; and

WHEREAS, the proposed Project involves the construction and subsequent operation and maintenance of a six-foot high by twelve-foot wide Reinforced Concrete Box (RCB) culvert that has a total system length of 1,930 lineal feet. The facility was identified in the Day Creek Master Drainage Plan, Revision No. 2, and will provide flood protection for the local area.

WHEREAS, a Section 18 Hearing was held on April 14, 1998 to adopt the Day Creek Master Drainage Plan Revision No. 2, in which the Day Creek Master Drainage Plan Line J, Stage 2 is a component; and

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

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

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

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

FORM APPROVED COUNTY COUNSEL  
BY:  DATE: 11/15/11  
MICHELLE CLACK

1 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the  
2 Board of Supervisors of the Riverside County Flood Control and Water Conservation District  
3 in regular session assembled on November 15, 2011 that:

4 1. The Project is not within a Criteria Area set forth in and established by the  
5 Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

6 2. The Project is consistent with the Riparian/Riverine Area and Vernal Pool  
7 requirements of the MSHCP. Pursuant to Section 6.1.2 of the MSHCP, Riparian/Riverine areas  
8 are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent  
9 mosses and lichens, which occur close to or which depend upon soil moisture from a nearby  
10 fresh water source, or areas with freshwater flow during all or a portion of the year. Vernal  
11 Pools are seasonal wetlands that occur in depression areas that have wetlands indicators of all  
12 three parameters (soils, vegetation, and hydrology) during the wetter portion of the growing  
13 season. It has been determined that the Project area does not contain any vernal pools, nor does  
14 it include Riparian/Riverine Areas as defined by the MSHCP. In addition, the proposed storm  
15 drain alignment does not contain suitable habitat for the least Bell's vireo, southwestern willow  
16 flycatcher or western yellow-billed cuckoo. Therefore, no further surveys or conservation  
17 measures are required.

18 3. The Project is consistent with the Narrow Endemic Plant Species requirements of  
19 the MSHCP. Pursuant to Section 6.1.3 of the MSHCP, habitat assessments and/or focused  
20 surveys for certain narrow endemic plant species are required for properties within mapped  
21 survey areas. The survey area maps have been reviewed and the Project is located within the  
22 Narrow Endemic Plant Species Survey Area (NEPSSA), Group 7. Pursuant to Section 6.1.3 of  
23 the MSHCP, habitat assessments and/or focused surveys for certain Narrow Endemic Plant  
24 Species were conducted. According to the results of the habitat assessments and/or focused  
25 surveys, no Narrow Endemic Plant Species nor suitable habitat to support these species were  
26 observed during the focused plant surveys. Therefore, no further surveys or conservation  
27 measures are required.

28

1           4.    The Project is consistent with the Urban/Wildlands Interface requirements of the  
2 MSHCP. Section 6.1.4 of the MSHCP presents guidelines to minimize indirect effects of  
3 projects in proximity to the MSHCP Conservation Area. This section provides mitigation  
4 measures for impacts associated with: Drainage, Toxics, Lighting, Noise, Invasives, Barriers,  
5 and Grading/Land Development. The Project has been reviewed and it has been determined the  
6 Project is not located in proximity to the MSHCP Conservation Area. As a storm drain system,  
7 the proposed Project will not conflict with the Guidelines Pertaining to Urban/Wildlands  
8 Interface. Therefore, no further analysis or implementation of any conservation measures is  
9 required.

10           5.    The Project is consistent with the Database Updates/Additional Surveys  
11 requirements of the MSHCP. Pursuant to Section 6.3.2 of the MSHCP, habitat assessments  
12 and/or focused surveys for certain additional plant and animal species are required for  
13 properties within mapped survey areas. The survey area maps have been reviewed and the  
14 Project is only within a mapped survey area for the Burrowing Owl. A habitat assessment was  
15 conducted for the Burrowing Owl pursuant to accepted protocol during October 2009 and a  
16 focused survey was conducted during March 2010. No Burrowing Owls or Burrowing Owl  
17 sign were observed within the surveyed area in 2009 or 2010. In accordance with the MSHCP,  
18 a pre-construction survey for Burrowing Owls will be conducted within 30 days prior to  
19 disturbance of the property for construction purposes. The Project satisfies the plant, mammal,  
20 amphibian, and bird Additional Survey Needs and Procedures requirements of the MSHCP.

21           6.    The Project is consistent with the Public/Quasi-Public (P/QP) Land provisions  
22 contained in Section 3.2.1 of the MSHCP. Section 3.2.1 describes lands within the MSHCP  
23 conservation area including those designated as P/QP Lands. Section 3.2.1 states that if a  
24 Permittee elects to use property currently depicted as P/QP Lands in a way that alters the land  
25 use such that it would not contribute to Reserve Assembly, the Permittee shall locate and  
26 acquire or otherwise encumber replacement acreage at a minimum ration of 1:1. The Permittee  
27 must make findings that the replacement acreage is biologically equivalent or superior to the  
28

1 existing property. The Project has been reviewed and it has been determined that the Project  
2 does not occur within MSHCP-designated P/QP Conservation Lands. Therefore, no further  
3 analysis is required.

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

7 8. A Mitigated Negative Declaration is adopted based on the findings incorporated in  
8 the initial study and the conclusion that the Project will not have a significant effect on the  
9 environment.

10 9. The Project Final Design is approved and the District is hereby authorized to  
11 proceed with the Project.

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

18 ROLL CALL:

19 Ayes: Buster, Stone, Benoit, and Ashley  
20 Nays: None  
21 Absent: Tavaglione

22 The foregoing is certified to be a true copy of a resolution duly  
23 adopted by said Board of Supervisors on the date therein set forth.

24 KECIA HARPER-IHEM, Clerk of said Board

25 By: \_\_\_\_\_  
26 Deputy

**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: Kris Flanigan  
Phone: 951.955.8581

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

Lead Agency (if different from above):

Original Negative Declaration/Notice of  
Determination was routed to County  
Clerks for posting on.

SUBJECT:

11/15/11 kb  
Date Initial

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): 2011011078

**Project Title:**

Day Creek Master Drainage Plan Line J, Stage 2

**Project Location (include county)**

The proposed project is located within the city of Jurupa Valley in Riverside County. The project area is generally situated south of Limonite Avenue, north of 68<sup>th</sup> Avenue, east of Interstate 15 (I-15), and west of Wineville Avenue. The site is within Section 30, Township 2 South, Range 6 West as shown on the USGS 7.5-minute "Corona North" quadrangle map.

**Project Description**

The proposed project is a plan to develop the Stage 2 portion of the Day Creek Master Drainage Plan Line J storm drain facility. The project consists of facility construction, and subsequent operation and maintenance. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide Reinforced Concrete Box (RCB) culvert that crosses underneath 68<sup>th</sup> Street near the northeast corner of the intersection of 68<sup>th</sup> Street and I-15. From the connection at 68<sup>th</sup> Street, Line J extends northerly as a 6-foot high by 12-foot wide RCB for approximately 1,930 lineal feet where it connects to an existing upstream portion of Line J on the westerly side of Pats Ranch Road. Line J, Stage 2 will be a closed conduit constructed mostly below the earth's surface and will be completely confined.

This is to advise that the Riverside County Flood Control and Water Conservation District has approved the above described  Lead Agency or  Responsible Agency)

project on November 15, 2011 and has made the following determinations regarding the above described project:  
(Date)

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration 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 Project Features & Environmental Commitments Monitoring Program Table 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.

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

Karen Batten  
Signature (Public Agency)

Board Assistant  
Title

November 15, 2011  
Date

Date received for filing at OPR:

Revised 2004

Authority cited: Sections 21083 and 21087, Public Resources Code.  
Reference: Sections 21000-21174, Public Resources Code.

NOV 15 2011 11.2

**MITIGATED NEGATIVE DECLARATION**

State Clearinghouse Number:  
2011011078

Contact Person:  
Kris Flanigan

Telephone Number:  
951.955.8581  
Email: kflaniga@rcflood.org

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

Address: 1995 Market Street

City: Riverside

Zip: 92501

Project Title and Description: **Day Creek Master Drainage Plan Line J, Stage 2**

The proposed project is a plan to develop the Stage 2 portion of the Day Creek Master Drainage Plan Line J storm drain facility. The project consists of facility construction, and subsequent operations and maintenance. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide Reinforced Concrete Box (RCB) culvert that crosses underneath 68th Street near the northeast corner of the intersection of 68th Street and Interstate 15 (I-15). From the connection at 68th Street, Line J extends northerly as a 6-foot high by 12-foot wide RCB for approximately 1,930 lineal feet where it connects to an existing upstream portion of Line J on the westerly side of Pats Ranch Road. Line J, Stage 2 will be a closed conduit constructed mostly below the earth's surface and will be completely confined.

**Project Location:**

The proposed project is located within the city of Jurupa Valley in Riverside County. The project area is generally situated south of Limonite Avenue, north of 68<sup>th</sup> Avenue, east of I-15, and west of Wineville Avenue. The site is within Section 30, Township 2 South, Range 6 West as shown on the USGS 7.5-minute "Corona North" quadrangle map.

The General Manager-Chief Engineer of the Riverside County Flood Control and Water Conservation District has made a finding that the proposed Day Creek Master Drainage Plan Line J, Stage 2 project will not have a significant adverse effect on the environment. An Initial Study supporting this finding is attached. This finding will become final upon adoption of this Mitigated Negative Declaration by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District. Mitigation measures are as follows:

Refer to attached Project Features & Environmental Commitments Monitoring Program Table.

Signature: \_\_\_\_\_

WARREN D. WILLIAMS  
General Manager-Chief Engineer

Dated: 11/7/11

The Board of Supervisors of the Riverside County Flood Control and Water Conservation District, assembled in regular session on November 15, 2011 has determined that the Day Creek Master Drainage Plan Line J, Stage 2 project will not have a significant adverse effect on the environment and has adopted this Mitigated Negative Declaration.

Signature: \_\_\_\_\_

KECIA HARPER-IHEM  
Clerk of the Board

Dated: November 15, 2011

**Attachment**

Copies to: 1) County Clerk  
2) Flood Control

P8\141839

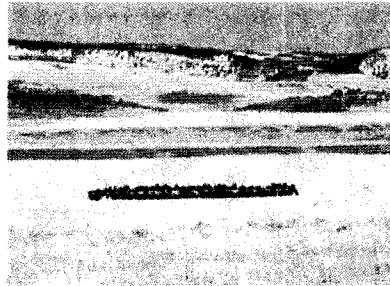




## California Environmental Quality Act (CEQA)

### CEQA DOCUMENT FILING FEES

Pursuant to Fish and Game Code Section 711.4, the Department shall impose and collect a filing fee to defray the costs of managing and protecting California's vast fish and wildlife resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring programs. For projects with local lead agencies, the county clerk collects any applicable filing fees at the time the notice of determination is filed. The project proponent is responsible for payment of the filing fee.



On September 29, 2006 Senate Bill 1535 was passed increasing the amounts of filing fees collected by the Department, and requires the Department to adjust the fees annually pursuant to Fish and Game Code Section 713. The annual fee adjustments are based on changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the U.S. Department of Commerce. The table below contains the 2010 CEQA filing fees, and the fees that become effective on January 1, 2011. Annual filing fee adjustments are made available on the Department website prior to November 1 of the year before they become effective.

The Department recently updated Title 14, Section 753.5 of the California Code of Regulations (CCR). The updated regulations address filing fees and No Effect Determinations and became effective on July 16, 2009. The regulations were updated to conform with existing law (Fish and Game Code section 711.4), reflect current Department practice, and clarify the procedures for no effect determinations.

[Full text of updated regulations](#)

#### Filing Fees for CEQA Documents

CEQA Document	2010 Filing Fee	Fee Effective January 1, 2011
Negative Declaration (ND)	\$2,010.25	\$2,044.00
Mitigated Negative Declaration (MND)	\$2,010.25	<del>\$2,044.00</del>
Environmental Impact Report (EIR)	\$2,792.25	\$2,839.25
Environmental Document pursuant to a Certified Regulatory Program (CRP)*	\$949.50	\$965.50
County Clerk Processing Fee	\$50.00	\$50.00

\* Including, but not limited to, the Forest Practice Rules and timber harvest plans, and other state agency regulatory programs (CEQA Guidelines 21080.5).

#### No Effect Determinations

The CEQA filing fee will be waived if a project will have no effect on fish and wildlife (Fish and Game Code section 711.4(c)(2)(A)). Projects that are statutorily or categorically exempt from CEQA are also not subject to the filing fee, and do not require a no effect determination (sections 15260 through 15333, Title 14, CCR, Fish and Game Code Section 711.4(d)(1)). Regional Department environmental review and permitting staff are responsible for determining whether a project within their region will qualify for a no effect determination and if the CEQA filing fee will be waived.

For more information about requesting a no effect determination, [click here](#).

For more specific information please see the FAQ, or contact the DFG Regional Office where the project is located.

#### Instructions for County Clerks

### CEQA

#### Environmental Review

- The California Environmental Quality Act
- External CEQA Project Review Procedures
- CEQA Filing Fees
- NEW Process for No Effect Determinations
- ▶ Federal Project Review
- ▶ Department of Fish and Game's Internal CEQA Procedures
- ▶ Other Types of CEQA Project Reviews

#### Related Links

- California Law CEQA consists of Public Resources Code sections 21000-21177
- CEQA Statutes and Guidelines CEQA code and reference information (note: some information is out of date)
- NEW CEQA FAQ (PDF) Frequently Asked Fish and Game CEQA Questions
- CEQA and Other Department Public Notices
- SB 1535 (PDF) Changes in filing fees
- Fish and Game Code Section 711.4 and Section 713 Legal information on filing fees

**COUNTY CLERK FEE SCHEDULE, continued...**

**Surety Fees**

Power of Attorney for Admitted Surety Insurer - One name.....	\$14.00
Power of Attorney for Admitted Surety Insurer - Each additional name.....	14.00
Financial Statement - Admitted Surety Insurer.....	3.50
Revocation of Power of Attorney.....	5.00

**County Clerk's Copy and Certification Fees**

Certifying a copy of any filed paper.....	1.75
FAX Copy (Records in office).....	2.00
FAX Copy (Records stored off-site).....	5.00
Copy, Photocopy - Per Page.....	0.50
Comparing Fee - Per Page.....	0.50
Certification of official capacity of Public Officer.....	2.25
Certificate of Proof of Authority of Surety to Act.....	3.00
Certification of Notary Signature (one name).....	10.00
Certification of Notary Signature (additional requests, same notary).....	5.00
Certification of Translation.....	10.00
Acknowledgement in criminal/adoption cases.....	<i>no fee</i>
Requests via the Public Records Act - First Page.....	0.50
Requests via the Public Records Act - Per Additional Page.....	0.10

**Filing Fees**

Administration of Oath for Humane Officer.....	5.00
<b>Fish &amp; Game documentary handling fee.....</b>	<b>64.00</b>
Laundry supply name, mark, or device.....	1.00
All papers for which a fee is not elsewhere provided.....	2.25

**NOTE:**

**There is a \$31.00 fee for all returned checks (Ordinance 729.4).  
No documents will be returned unless a stamped, self-addressed envelope is included.**

DISCLAIMER: The information contained herein was valid at the time of publication. The Assessor-County Clerk-Recorder reserves the right to modify, change or make improvements at any time, without notice, and assumes no liability for damages incurred directly or indirectly as a result of errors, omissions or discrepancies.

COUNTY CLERK  
Neg Declaration/Ntc Determination  
Filed per P.R.C. 21152  
POSTED

JAN 27 2011

**NOTICE OF INTENT TO ADOPT  
MITIGATED NEGATIVE DECLARATION  
FOR THE DAY CREEK MDP LINE J – STAGE 2 PROJECT  
RIVERSIDE, CALIFORNIA**

**FILED**  
RIVERSIDE COUNTY

JAN 27 2011

LARRY W. WARD, CLERK

By *[Signature]* M. Meyer  
Deputy

Removed: \_\_\_\_\_

By: \_\_\_\_\_ Dept: \_\_\_\_\_  
County: \_\_\_\_\_ Title: \_\_\_\_\_  
**PROJECT TITLE: Day Creek Master Drainage Plan Line J – Stage 2**

**PROJECT LOCATION:** The proposed project is a confined storm drain traversing three parcels of vacant land (APNs: 152-020-012, 152-630-027, 152-640-003) south of Limonite Avenue, north of 68th Avenue, east of Interstate 15 (I-15) and west of Wineville Avenue in the unincorporated Mira Loma area of Riverside County.

**PROJECT DESCRIPTION:** The proposed project is a plan to develop the Stage 2 portion of the Day Creek Master Drainage Plan Line J storm drain facility. The project consists of facility construction and subsequent maintenance. The project will alleviate flooding adjacent to the project area. The project was identified in the Day Creek Master Drainage Plan (MDP) study prepared by the Riverside County Flood Control and Water Conservation District (District) conducted by the District in 1977 and updated in 1998. The project will include temporary inlets to collect runoff that is tributary to the facility. The temporary inlets are placed at existing low points to pick up nuisance flows. They are considered temporary because future development will ultimately be placed over the storm drain at which time the local connections to the storm drain will be made and the inlets will likely be removed. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide Reinforced Concrete Box (RCB) culvert that crosses underneath 68th Street near the northeast corner of the intersection of 68th Street and I-15. From the connection at 68th Street, Line J extends northerly as a 6-foot high by 12-foot wide RCB for approximately 1,930 linear feet where it connects to an existing upstream portion of Line J on the westerly side of Pats Ranch Road. Line J, Stage 2 will be a closed conduit constructed completely below the earth's surface (either existing or proposed) and will be completely confined. The facility will be installed using typical trenching methods.

**HAZARDOUS WASTE SITES:** The project alignment is not located on known listed toxic sites pursuant to Government Code Section 65962.5.

**PROJECT CONTACT:** Kris Flanigan, Senior Civil Engineer

**PHONE:** (951) 955-8581

**E-MAIL:** kflaniga@rcflood.org

**PUBLIC REVIEW AND WRITTEN COMMENTS:** The review period for submitting written comments on the Mitigated Negative Declaration pursuant to State CEQA Guidelines Section 15105 commences on January 27, 2011 and will close on February 25, 2011 at 5:00 p.m. If you have any questions regarding the project or Mitigated Negative Declaration, please contact Kris Flanigan by e-mail or phone as indicated above.

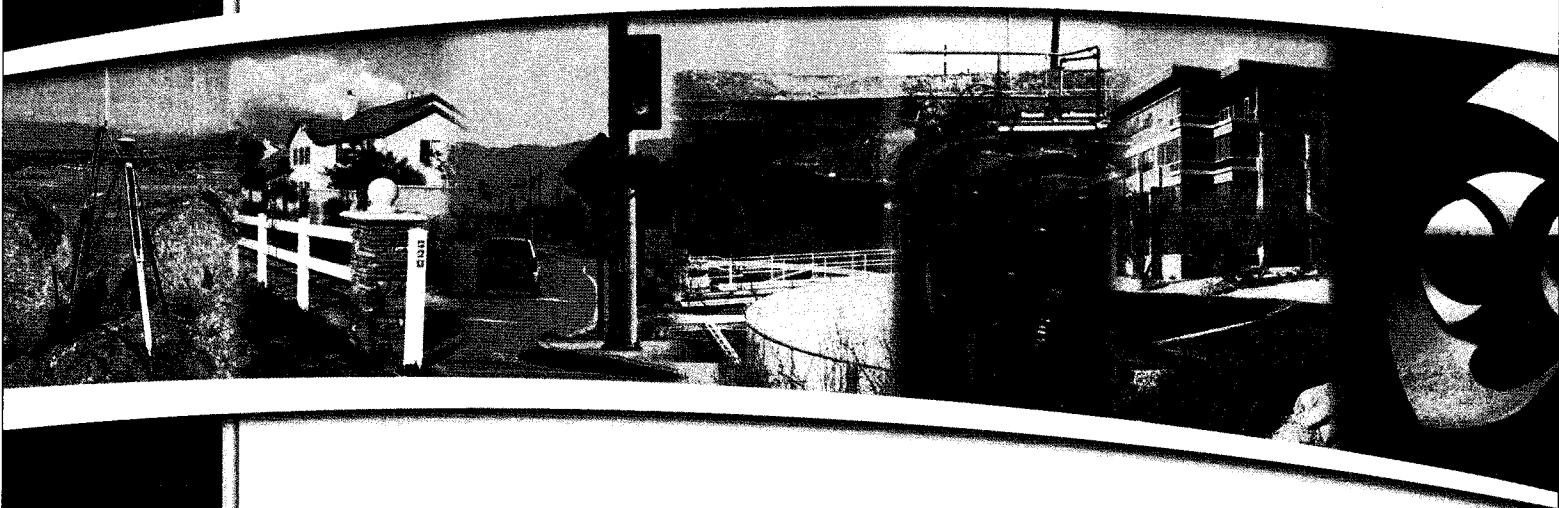
Comments should be addressed to: Kris Flanigan, Senior Civil Engineer  
Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, CA 92501

**DOCUMENT AVAILABILITY:** The Mitigated Negative Declaration is available for review at the Riverside County Flood Control and Water Conservation District, located at the address above, and may also be accessed on the District's website at [www.rcflood.org](http://www.rcflood.org) under Public Notices. The Mitigated Negative Declaration may also be reviewed at the following location:

Eastvale Library  
7447 Cleveland Avenue  
Corona, CA 92880  
(951) 273-1520

*Final Initial Study and Response to Comments*  
**Day Creek Master Drainage Plan**  
Line J - Stage 2

*Prepared for*



ALBERT  
**WEBB**  
ASSOCIATES

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

**FINAL  
CEQA INITIAL STUDY**

**DAY CREEK MASTER DRAINAGE PLAN  
LINE J – STAGE 2**

January 19, 2011  
Revised October 2011

Warren D. Williams  
General Manager-Chief Engineer

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### Appendices – Included on CD Rom

Appendix A	Line J Air Quality Analysis Supporting Information, March, 2010, <u>Revised June 2011</u>
Appendix B.1	General Habitat Assessment, October 12, 2009
Appendix B.2	Focused Western Burrowing Owl Survey, March 24, 2010
Appendix B.3	Jurisdictional Survey, January 11, 2010
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Appendix C.2	Native American Heritage Commission Letter, January 25, 2010
Appendix D	Environmental Data Resources, February 3, 2010

PROJECT FEATURES & ENVIRONMENTAL COMMITMENTS MONITORING PROGRAM TABLE

Issue	Potential Impact	Project Features, Environmental Commitments, Avoidance, Minimization and/or Mitigation Measures	Action	Implementing Agency	Governing Agency	Implementation Timing	Monitoring Frequency
IV. Biological Resources	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service	<p><b>MM Bio 1:</b> A pre-construction presence/absence survey for California horned lark and loggerhead shrike within suitable habitat shall be conducted. Surveys will be conducted within 30 days prior to disturbance. Take of active nests shall be avoided.</p> <p><b>MM Bio 2:</b> A pre-construction presence/absence survey for burrowing owl within suitable habitat shall be conducted. Surveys will be conducted within 30 days prior to disturbance. Take of active nests shall be avoided. Passive relocation (use of one way doors and collapse of burrows) will occur when owls are present outside the nesting season.</p>	Pre-construction survey	District	None	Within 30 days prior to construction	None

Issue	Potential Impact	Project Features, Environmental Commitments, Avoidance, Minimization and/or Mitigation Measures	Action	Implementing Agency	Governing Agency	Implementation Timing	Monitoring Frequency
IV. Biological Resources	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service	<p><b>MM Bio 3:</b> To mitigate permanent impacts to 0.65 acres of on-site habitat, the District shall secure 0.65 acre of off-site habitat that is at a minimum biologically equivalent. If it is determined by CDFG that the features on-site fall under their jurisdiction, a project 1602 Streambed Alteration Agreement prepared in accordance with CDFG requirements shall be secured by the District and shall include mitigation measures that are sufficient to reduce impacts to streambeds regulated by CDFG to a level below significant. The Agreement may include some or all of the following:</p> <ul style="list-style-type: none"> <li>• Avoid impacts where possible by shifting the project location or construction timing.</li> <li>• Minimize impacts.</li> <li>• Remove invasive species.</li> <li>• Purchase off-site habitat credits.</li> <li>• Create and/or restore natural communities.</li> <li>• Avoid sensitive habitats by placing construction staging areas as far away from them as is feasible.</li> </ul>	Secure 0.65 acre of off-site habitat that is at a minimum biologically equivalent.	District	District	Pre-construction	None
V. Cultural Resources	Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5	<p><b>MM Cultural 1:</b> If any cultural and/or archaeological resources are exposed during ground excavation disturbance, ground disturbance activities in the vicinity of the discovery shall immediately halt and, ground disturbance activities shall be moved to other parts of the project site and a qualified archaeologist shall be contacted to determine the significance of the resource(s). If the find is determined to be a historical or unique archaeological resource, as defined in Section 15064.5 of the California Code of Regulations (State CEQA Guidelines), avoidance or other</p>	Cease ground disturbance activities in the vicinity of the discovery until a qualified archaeologist can assess the significance of the find.	District	None	Throughout construction	Monitoring on an as needed basis during ground disturbance activities.



Issue	Potential Impact	Project Features, Environmental Commitments, Avoidance, Minimization and/or Mitigation Measures	Action	Implementing Agency	Governing Agency	Implementation Timing	Monitoring Frequency
V. Cultural Resources	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	<p>appropriate measures shall be implemented.</p> <p><b>MIM Cultural 2:</b> If any paleontological resources are exposed during ground excavation disturbance, ground disturbance activities in the vicinity of the discovery will be terminated immediately and a qualified paleontological resources specialist will be retained to evaluate the resources. If the find is determined to be significant, avoidance or other appropriate measures as identified by the paleontologist shall be implemented. Appropriate measures would include that a qualified paleontologist be permitted to recover, evaluate and curate the find(s) in accordance with current standards and guidelines.</p>	Cease ground disturbance activities in the vicinity of the discovery until a qualified paleontologist can assess the significance of the find.	District	None	Throughout construction	Monitoring on an as needed basis during ground disturbance activities.
V. Cultural Resources	Disturb any human remains, including those interred outside of formal cemeteries	<p><b>MIM Cultural 3:</b> Per State Health and Safety Code 7050.5, if human remains are encountered during construction, no further disturbance shall occur until the Riverside County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Riverside County Coroner must be notified within 24 hours. If the County Coroner determines that the remains are not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent for this area. Once the most likely descendent is determined, treatment of the Native American human remains will proceed pursuant to Public Resources 5097.98.</p>	Cease ground disturbance activities and notify Coroner's Office for proper identification of any human remains found onsite. If necessary, the Riverside County Coroner will contact NAHC to assist in determining and notifying the MLD.	District	Riverside County Coroner	Throughout construction	Monitoring on an as needed basis during ground disturbance activities.

Issue	Potential Impact	Project Features, Environmental Commitments, Avoidance, Minimization and/or Mitigation Measures	Action	Implementing Agency	Governing Agency	Implementation Timing	Monitoring Frequency
VII. Hazards and Hazardous Materials	Previously unknown hazardous wastes/materials may be encountered in the field during construction	<b>MM Hazardous 1:</b> If previously unknown hazardous wastes/materials are encountered in the field during construction, ground disturbance activities in the vicinity of the discovery shall cease until a qualified hazardous materials management specialist can assess the potentially hazardous substances and, if necessary, develop appropriate management measures for the treatment and disposal of the materials in accordance with applicable laws and regulation set by the appropriate regulatory agencies.	Cease ground disturbance and assess potentially hazardous substances. If necessary, develop management measures.	District	None	Throughout construction	Throughout construction
XI. Noise	Use of heavy equipment during project construction may result in temporary or periodic noise level increases near residential areas	<b>MIM Noise 1:</b> Heavy equipment use during construction shall be limited between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday and prohibited on weekends and holidays, unless otherwise approved by the District's General Manager under special circumstances (i.e. emergency situations).  <b>MM Noise 2:</b> The District shall alert the construction contractor of any noise complaints and incorporate any feasible and practical techniques which minimize the noise impacts on adjacent residences.	Limit construction activities to the hours described.  The District shall alert the contractor of noise complaints and incorporate techniques to minimize construction noise.	District	None	Throughout construction	Throughout construction

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

**INITIAL STUDY FORM**

1. **Project title:** Day Creek Master Drainage Plan Line J – Stage 2

2. **Lead agency name and address:**

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

3. **Contact person email address and phone number:**

Kris Flanigan, Senior Civil Engineer  
kflaniga@rcflood.org  
(951)955-8581

4. **Project location:** The proposed project is a confined storm drain traversing three parcels of vacant land (APNs: 152-020-012, 152-630-027, 152-640-003) south of Limonite Avenue, north of 68th Avenue, east of Interstate 15 (I-15) and west of Wineville Avenue in the unincorporated Mira Loma area of Riverside County (**Figure 1, Vicinity Map; Figure 2, Project Site**). The proposed project is located within Section 19, Township 2 South, Range 6 West, Corona North Quadrangle, San Bernardino Base and Meridian (**Figure 3, USGS Topographic Map**).

5. **Project sponsor's name and address:**

Same as Lead Agency

6. **General plan designation:** The project site is located within the Eastvale Area Plan (EAP), as designated by the County of Riverside General Plan. The land use designations within the project alignment(s) are Light Industrial (LI) and Public Facilities (PF).

7. **Zoning:** The associated zoning designations within the project alignment(s) are Heavy Agriculture (A-2-10) and Industrial Park (I-P), as designated by the Riverside County Geographic Information System (Riv Co GIS).

8. **Project Description:** The proposed project is a plan to develop the Stage 2 portion of the Day Creek Master Drainage Plan Line J storm drain facility. The project consists of facility construction and subsequent maintenance. The project will alleviate flooding adjacent to the project area. The project was identified in the Day Creek Master Drainage Plan (MDP) study prepared by the Riverside County Flood Control and Water Conservation District (District) conducted by the District in 1977 and updated in 1998. The project will include temporary inlets to collect runoff that is tributary to the facility. The temporary inlets are placed at existing low points to pick up nuisance flows. They are considered temporary because future development will ultimately be placed over the storm drain at which time the local connections to the storm drain will be made and the inlets will likely be removed. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide Reinforced Concrete Box (RCB) culvert that crosses underneath 68th Street near the northeast corner of the intersection of 68th Street and I-15. From the connection at 68th Street, Line J extends northerly as a 6-foot high by 12-foot wide RCB for approximately 1,930 linear feet where it connects to an existing upstream portion of Line J on the westerly side of Pats Ranch Road. Line J, Stage 2 will be a closed conduit constructed completely below the earth's surface (either existing or proposed) and will be completely confined. The facility will be installed using typical trenching methods.

**Line J:** Currently, Line J is constructed from the Bellegrave Basin, at the southwest corner of Bellegrave Avenue and Wineville Avenue, southerly to the Limonite Avenue/Pats Ranch Road intersection. From here, Line J runs within Pats Ranch Road discharging into a “pond-like” area on the western side of the road directly across from Limonite Meadows Park. Additionally, flows from the development on the east side of the road are currently discharged into this area where they confluence with Line J flows.

- 9. Surrounding land uses and setting:** The project area within the County of Riverside is primarily characterized by agricultural uses except for small areas not exposed to recurring discing/cultivation activities. These areas include an artificially-bermed detention basin supporting dense riparian-associated plant species and a ruderal area located north of the basin. To the east of the basin, a fenced, concrete flood control structure (the existing downstream terminus of Line J) and a secondary culvert are present that convey nuisance runoff into the basin. The site supports a north/south trending swale along with a discontinuous erosional channel beginning at the western portion of the basin, traversing southwesterly across the site, often barely or not obviously discernable along its length likely due to ongoing discing. Elevation ranges for 620–640 feet mean sea level with supplementary contour intervals indicating very small increments of topographical change.

Land uses in the area include single-family homes, large residential subdivisions, some open space and commercial. Surrounding land uses include development to the north, east and west. Disturbed areas (remnant dairy farms) are located to the south. Development to the north consists of commercial land uses. I-15 is adjacent to the west side of the project site. Residential subdivisions lie west of I-15 and to the east of the project site.

Adjacent Existing Land Use:

North: Commercial  
East: Open Space, Light Industrial, Medium Density Residential and Low Density Residential  
South: Low Density Residential  
West: Medium Density Residential

Adjacent zoning:

North: Scenic Highway Commercial (C-P-S)  
East: Industrial Park (I-P), One Family Residential (R-1)  
South: Watercourse, Watershed and Conservation (W-1), Heavy Agriculture (A-2-10)  
West: One Family Residential (R-1), Planned Residential (R-4)

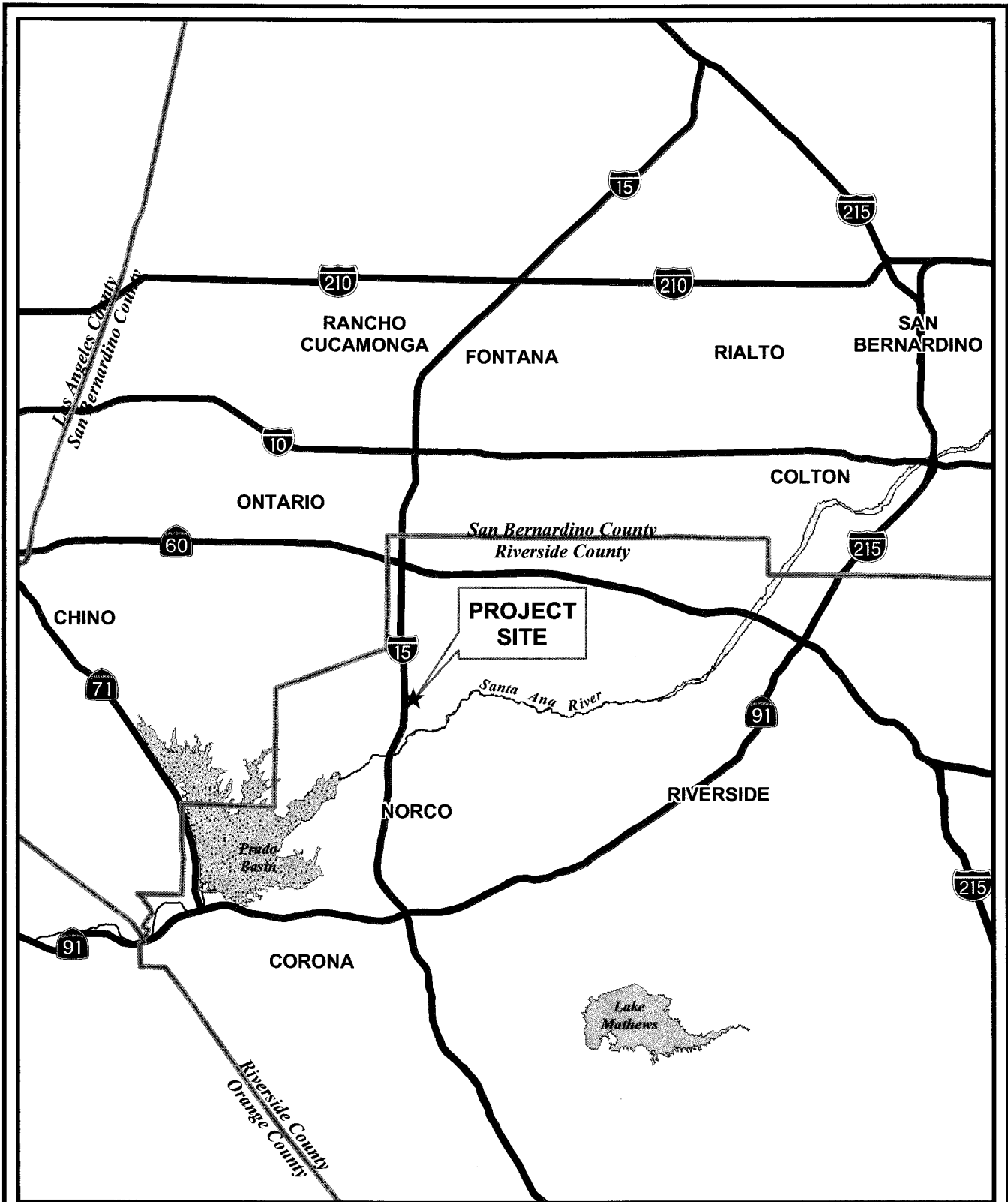
- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

**State Agencies**

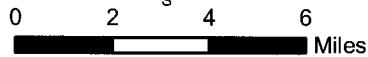
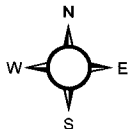
California Department of Transportation (Caltrans): Encroachment permit  
California Department of Fish and Game (CDFG): ~~Potential permit for Section 1602 Streambed Alteration Agreement~~

**City/County Agencies**

None



ALBERT A.  
**WEBB**  
 ASSOCIATES

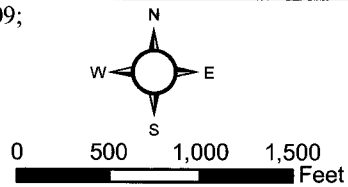


**Figure 1**  
**Vicinity Map**

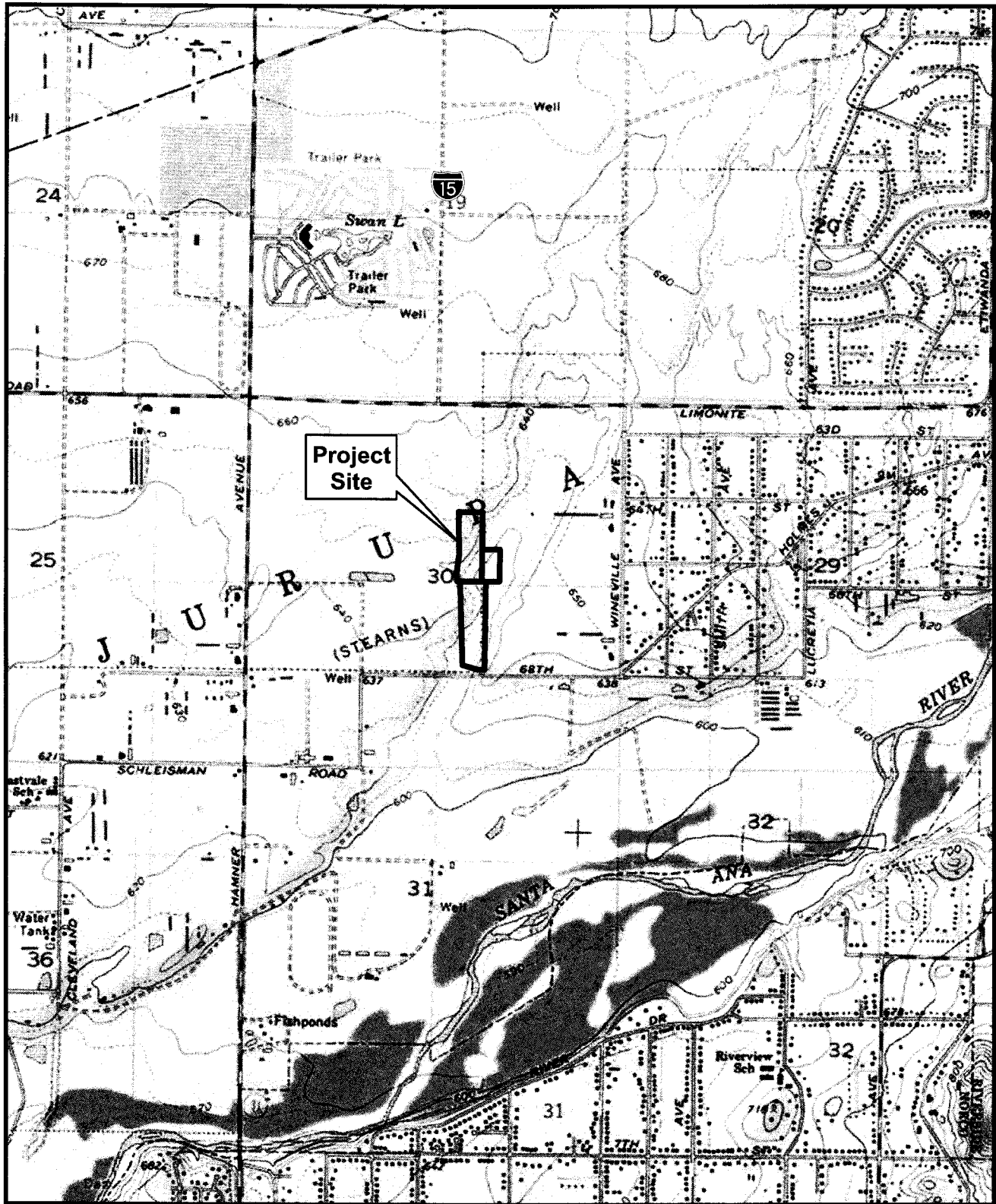


Sources: Riverside County, 2009;  
Digital Globe, 2008.

ALBERT A.  
**WEBB**  
ASSOCIATES



**Figure 2**  
**Project Site**



Source: ESRI/USGS 7.5min  
 Quad GRG: Corona North

ALBERT A.  
**WEBB**  
 ASSOCIATES

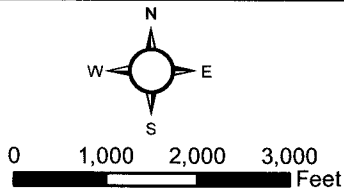
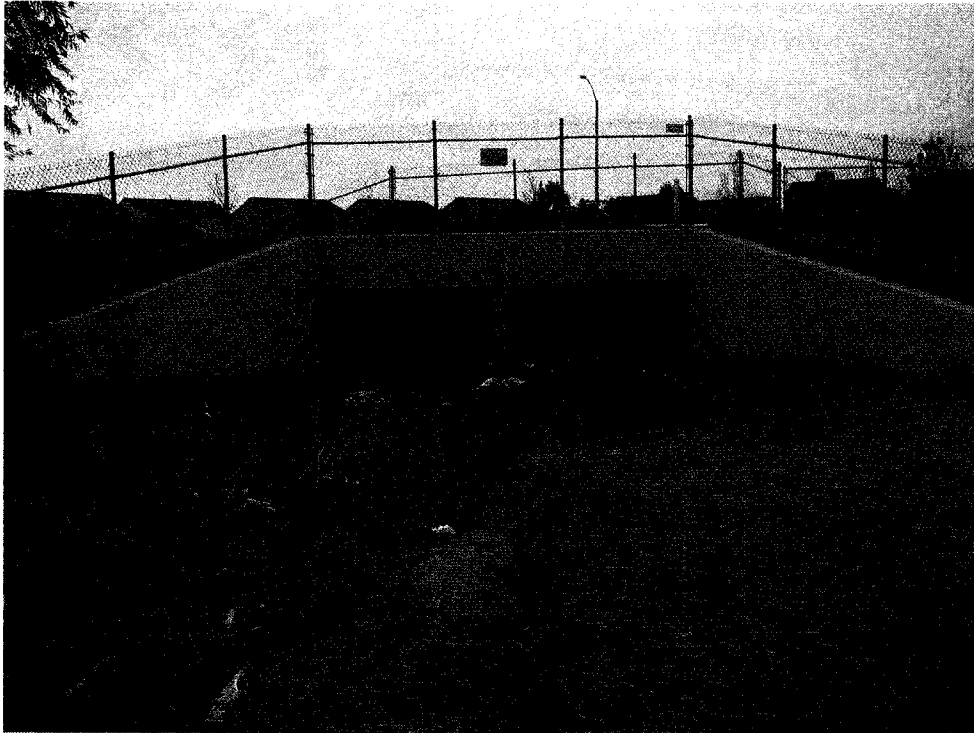


Figure 3

USGS Topographic Map

**Photographs of the Project Site taken February 5, 2010**



**Figure 3A** – Easterly view of proposed project connection to existing upstream portion of Line J westerly of Pats Ranch Road



**Figure 3B** – Northerly view of project site between Pats Ranch Road and I-15



## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |   |

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (*e.g., the project falls outside a fault rupture zone*). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (*e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis*).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed below:
  - a. **Earlier Analysis Used.** Identify and state where they are available for review.

- b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measure which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (*e.g., general plans, zoning ordinances*). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

<b>ENVIRONMENTAL FACTORS: ENVIRONMENTAL CHECKLIST</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>I. AESTHETICS.</b> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Aesthetics Discussion:**

**a) *Would the project have a substantial adverse effect on a scenic vista?***

**No Impact.** There are no specified scenic vistas in the project area. The site is within a residential developed area and is at relatively great distances from any scenic resources. Additionally, the proposed storm drain facility will be installed below the earth's surface (either existing or proposed). Therefore, the project will not substantially alter the views of, or from the project area. Due to the lack of scenic vistas in the area, the project will have no impact on a scenic vista.

Source: EAP, Thomas Guide

**b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

**No Impact.** The proposed project is not located adjacent to any state scenic highways. No major rock outcroppings, trees or historic buildings are located within the proposed project area. The proposed storm drain facility will be completely covered and subsurface; therefore, there will be no impacts to scenic resources as a result of the proposed project.

Source: EAP, Thomas Guide, Figure 2 - Project Site

**c) *Would the project substantially degrade the existing visual character or quality of the site and its surroundings?***

**No Impact.** See response to item 1(a) and 1(b), above.

**d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?***

**No Impact.** Flood control facilities typically do not create new or additional light or glare, either during construction or operation and maintenance. Because the storm drain facility will be located below the surface (existing or proposed), the proposed project does not include the installation of lights. The only artificial lighting that may be expected to be used on the project site would be under emergency conditions; however, any impacts would be temporary and insignificant. Therefore, no impacts from light and glare will occur.

Source: Project Design

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>II. AGRICULTURAL RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Agricultural Resources Discussion:**

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**Less Than Significant Impact.** The proposed project spans areas designated as Prime Farmland, Unique Farmland, Farmland of Local Importance, and Farmland of Statewide Importance. However, the proposed project will require minimal right-of-way. The proposed alignment will impact a relatively small footprint of only 1,930 linear feet (approximately 0.5 acres) and will be below the surface thereby allowing for continued agricultural use surrounding the facility alignment. Farmland itself will not be taken as part of the project. The project will convert a minimal linear area of designated farmlands to non-agricultural use; therefore, impacts are less than significant.

Source: Conservation, Project Design, Riv Co GIS

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact.** The California Land Conservation Act (CLCA) of 1965, also known as the Williamson Act, allows owners of agricultural land to have their properties assessed for tax purposes on the basis of agricultural production rather than current market value. Agricultural preserves are designated as conservation areas and allow agriculture and associated uses (including limited commercial, industrial and single-family residential use) and open space.

The proposed project will require minimal right-of-way. The proposed project is not located in an agricultural preserve and will not significantly affect a substantial quantity of agricultural land nor affect properties with active Williamson Act contracts. Therefore, no impacts are anticipated.

Source: Conservation, Project Design, Riv Co GIS

- c) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

**Less Than Significant Impact.** See response 2(a).

Also, the project site does not conflict with existing zoning for or rezoning of forest land, timberland or timberland zoned Timberland Production as it is not currently zoned as forest land, timberland or timberland production. Additionally, there will be no loss of forest land or conversion of forest land to a non-forest use. Therefore, no impacts are anticipated to forest land or timberland.

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard ( <i>including releasing emissions which exceed quantitative thresholds for ozone precursors</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Conflict with any plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Air Quality Discussion:**

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact.** The Air Quality Management Plan (AQMP) for the South Coast Air Basin (SCAB) sets forth a comprehensive program that will lead the SCAB into compliance with all federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections.

The proposed project involves the construction of a master planned storm drain. The proposed project is considered to be compatible with all zoning designations pursuant to Section 18.2.b of Riverside County Ordinance No. 348, which exempts public agency projects from zoning designations. Since the proposed project is a storm drain that in and of itself will not result in any changes to the existing land use patterns in the project area, the project does not conflict with or obstruct implementation of the AQMP. Therefore, no impacts are anticipated.

Source: AQMP, Riv Co Ord 348

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Less Than Significant Impact.** The project consists of the construction and maintenance of 1,930 linear feet of storm drain on vacant land. The project also includes approximately 7,600 cubic yards of off-site soil export.<sup>1</sup> Air quality impacts can be described in a short-term and long-term perspective. Short-term impacts relate to site grading and project construction. Long-term air quality impacts relate to maintenance of the facility.

The short-term construction emissions of criteria pollutants from this project were modeled using URBEMIS 2007, Version 9.2.4 for Windows computer program (Appendix A). Maximum daily emissions are estimated to be ~~3.15~~ 8.09 pounds per day (lbs/day) for volatile organic compounds, ~~26.62~~ 78.77 lbs/day for oxides of nitrogen, ~~43.56~~ 35.28 lbs/day for carbon monoxide, ~~0.00~~ 0.03 lbs/day for sulfur dioxide, ~~14.24~~ 16.36 lbs/day for particulate matter less than 10 microns, and ~~3.88~~ 5.78 lbs/day for particulate matter less than 2.5 microns, which do not exceed the regional thresholds set by the South Coast Air Quality Management District (SCAQMD). The short-term emissions do not exceed SCAQMD's localized significance thresholds either, as contained in supporting analysis in Appendix A. Therefore, the impacts to air quality from construction of this project will be less than significant.

The long-term operational emissions from this project are a result of infrequent vehicle trips associated with maintenance. Operational emissions would be negligible, and would have a less than significant effect on air quality.

Source: WEBB

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

**Less Than Significant Impact.** The portion of the South Coast Air Basin within which the project is located is designated as a non-attainment area for NO<sub>2</sub> under state standards and for ozone, PM-10, and PM-2.5 under both state and federal standards.

Since the proposed project does not conflict with any land uses, it is in conformance with the AQMP, and the project's short-term and long-term emissions do not exceed the SCAQMD established thresholds of significance; the project's net increase in criteria pollutant emissions for which the project region is non-attainment is not cumulatively considerable and impacts are considered less than significant.

Source: AQMP, WEBB

**d) Expose sensitive receptors to substantial pollutant concentrations?**

**Less Than Significant Impact.** As described in Appendix A, the closest sensitive receptors are the existing and planned residences adjacent to Pats Ranch Road no closer than 350 feet (107 meters). Other existing residences are located west of the I-15 freeway no closer than 340 feet (104 meters). The land use designation south of 68<sup>th</sup> Street is low density residential and is approximately 85 feet (25 meters) from the proposed alignment; although no development currently exists. To ensure a worst-case analysis, the ~~nearest~~ sensitive receptor position of ~~85~~ 164 feet (~~25~~ 50 meters) was used.

Short-term emissions will be generated in the project area during construction of the project and have been found to be less than significant (Appendix A). In addition, the operational emissions were also found to be less than significant, as indicated above, hence the project will not expose sensitive receptors to substantial pollutant concentrations.

Source: WEBB

**e) Create objectionable odors affecting a substantial number of people?**

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<sup>1</sup> Assumptions contained in the air quality analysis included in the IS/MND that was circulated for 30-day public review were modified. Previously, soil export was not included because it was assumed that any excess soil would be relocated on the project site. However, because the District does not own the property surrounding the project easement, it cannot be assumed that excess soil will be relocated on site. To be conservative, the air quality analysis was revised to include the export of any excess soil off the site requiring the use of haul trucks.

**Less Than Significant Impact.** The project presents the potential for generation of objectionable odors in the form of diesel exhaust during construction in the immediate vicinity of the project site. Recognizing the short-term duration and quantity of emissions in the project area, the project will result in less than significant impact relating to objectionable odors.

Source: Project Description

**f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less Than Significant Impact.** As described in Appendix A, there are no adopted thresholds of significance for greenhouse gases (GHG). The proposed project does not fit into the categories provided (industrial, commercial, and residential) in either the draft thresholds from the California Air Resources Board (CARB) and SCAQMD. The project's emissions were compared to the most conservative threshold and are well below the proposed draft thresholds. Due to the lack of adopted emissions thresholds, estimated amount of emissions from project construction, and infrequent operational emissions from maintenance vehicles, the proposed project will not generate a significant amount of GHG emissions and the impact is considered less than significant.

Source: WEBB

**g) Conflict with any plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

**No Impact.** As discussed above, the project's GHG emissions are below the recommended draft thresholds. Therefore, the project will not conflict any plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Source: Project description, WEBB

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
ordinance?				
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Biological Resource Discussion:**

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Potentially Significant Impact Unless Mitigated.** As outlined in the biological assessment reports (Appendix B), the project site is primarily characterized by agricultural uses except for small areas not exposed to recurring discing/cultivation activities. These areas include a bermed artificial basin supporting riparian-associated plant species and a ruderal area located to the north of the basin. The site is mostly colonized by ruderal (weedy) herbs and grasses. The detention basin is dominated by cattail, willow trees, and mule fat.

No special status plant species or habitat was detected on site during the surveys and none are expected due to the lack of suitable habitat. No special status wildlife species were directly observed on site, although several species not observed during the survey effort have a moderate occurrence potential including white-tailed kite, northern harrier, prairie falcon, western burrowing owl, California horned lark, and loggerhead shrike. The white-tailed kite, northern harrier, and prairie falcon may forage over the site but no suitable nesting habitat for these species occurs on site. Most remaining, potentially occurring, sensitive wildlife species are not expected to occur on site due to the lack of suitable habitat.

The existing degraded condition of the site is the direct consequence of long-standing anthropocentric disturbances (e.g., primarily agricultural) that has generally resulted in low biological diversity (e.g., dominance of non-native species), overall absence of special status plant communities, and low potential for special status species to utilize or reside within areas proposed for direct impacts. The loss of mostly degraded agricultural-related habitats would not substantially affect special status resources, jeopardize the continued existence of listed species (or special status species), nor directly impact designated critical habitat. Site development would also not substantially alter the diversity of plants or wildlife in the area or cause a population of plant or wildlife species to drop below self-sustaining levels because of current degraded site conditions associated with routine agricultural operations. Although no native habitat types are present, and no listed species (currently protected by state or federal endangered species acts) are expected to occur due to absence of suitable habitat, implementation of mitigation measure **MM Bio 1** is required to ensure potential impacts to certain special status species (California horned lark and loggerhead shrike) that may nest on site are reduced to less than significant levels.

**MM Bio 1:** A pre-construction presence/absence survey for California horned lark and loggerhead shrike within suitable habitat shall be conducted. Surveys will be conducted within 30 days prior to disturbance. Take of active nests shall be avoided.

A habitat assessment for the burrowing owl was conducted in October 2009. No direct burrowing owl observations or sign were recorded during the habitat assessment however potential nesting/foraging habitat for the burrowing owl is present and the site could be occupied by burrowing owl at anytime of the year (moderate occurrence potential). A focused survey was conducted in March 2010 and no direct burrowing owl observations or sign (pellets, fecal material, or prey remains) were recorded on site. However, because the burrowing owl is well known to occur in the site vicinity it may utilize portions of the site during various times of the year, in particular if the site is left fallow following site discing. Implementation of mitigation measure **MM Bio 2** is required to ensure potential impacts to burrowing owl are reduced to less than significant levels.

**MM Bio 2:** A pre-construction presence/absence survey for burrowing owl within suitable habitat shall be conducted. Surveys will be conducted within 30 days prior to disturbance. Take of active nests shall be avoided. Passive relocation (use of one way doors and collapse of burrows) will occur when owls are present outside the nesting season.

Source: Eco Sci 1, 2, 3



- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Potentially Significant Impact Unless Mitigated.** The proposed project alignment does not contain evidence of any natural stream courses, riparian areas, or vernal pools. A small basin is located in the northeast portion of the site within Pat's Ranch Road and receives runoff from adjacent residential development. The bermed-artificial basin would not be considered a vernal pool pursuant to 6.1.2 of the MSHCP. Riparian/riverine areas and vernal pools are defined in Section 6.1.2 of the MSHCP. Areas that are artificially created are not included in these definitions. The features on site do not meet the definition of riparian/riverine areas and vernal pools under the MSHCP. The site does not contain suitable habitat for species associated with Section 6.1.2 habitat types.

The proposed project site contains an on-site swale feature and a basin both of which were evaluated for jurisdiction under CDFG. The on-site swale feature does not appear to function as a stream and does not convey significant runoff. As a result of recurring discing activities, any definable bed and bank has been eliminated within the southern and northern portions of the swale. Because this on-site swale feature loses definition, which apparently results in sheet flow over land without bed and bank, the swale feature may not be considered jurisdictional by CDFG. Habitat value is low due to the absence of riparian vegetation, lack of species and structural diversity, and prevalence of non-native vegetation due to various anthropogenic disturbances (e.g., long-standing and recurring discing). The swale or erosional feature does not support fish and/or aquatic life. Moreover, because water to the basin appears to be primarily provided by residential activities (urban runoff water), is artificial, created from upland, and is not directly connected to a natural waterway, the basin may also not be considered jurisdictional by CDFG. However, the artificial basin and wet area surrounding the basin identified as 0.65 acres may have the potential to be considered jurisdictional by CDFG. Therefore, **MM Bio 3** below, will be required to ensure any adverse impacts to resources under CDFG jurisdiction are reduced to a less than significant level.

**MM Bio 3:** ~~To mitigate permanent impacts to 0.65 acres of on-site habitat, the District shall secure 0.65 acre of off-site habitat that is at a minimum biologically equivalent. If it is determined by CDFG that the features on-site fall under their jurisdiction, a project 1602 Streambed Alteration Agreement prepared in accordance with CDFG requirements shall be secured by the District and shall include mitigation measures that are sufficient to reduce impacts to streambeds regulated by CDFG to a level below significant. The Agreement may include some or all of the following:~~

- ~~• Avoid impacts where possible by shifting the project location or construction timing.~~
- ~~• Minimize impacts.~~
- ~~• Remove invasive species.~~
- ~~• Purchase off-site habitat credits.~~
- ~~• Create and/or restore natural communities.~~
- ~~• Avoid sensitive habitats by placing construction staging areas as far away from them as is feasible.~~

Source: Eco Sci 1, 2, 3

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**Less Than Significant Impact.** As outlined in the Approved Jurisdictional Determination (ACOE JD), U.S. Army Corps of Engineers (ACOE) staff determined there are no waters of the U.S. on the project site. California Regional Water Quality Control Board (RWQCB) staff declined to regulate discharge of fill into waters of the State described in the Jurisdictional Survey (RWQCB JD). Development of the proposed project will not require permits from either the ACOE for jurisdictional waters regulated under Section 404 of the Clean Water Act or the RWQCB through discharges of fill into waters of the U.S. regulated by Section 401 of the Clean Water Act.

Source: Eco Sci 1, 2, 3, ACOE JD, RWQCB JD

- d) ***Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

***Less Than Significant Impact.*** Due to the disturbed nature of the site and surrounding development the project site does not provide a migratory wildlife corridor or native wildlife nursery site. The proposed project includes construction of a subsurface storm drain facility. Therefore, the proposed project would not substantially interfere with the movement of resident or migratory fish or wildlife species.

Source: Eco Sci 1, 2, 3, Figure 2, Project Design

- e) ***Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

***No Impact.*** The proposed project is not subject to any local policies or ordinances protecting biological resources other than the MSHCP. Refer to IV.b. for a more detailed discussion of compliance with the MSHCP.

Source: Figure 2, Project Design

- f) ***Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

***No Impact.*** The project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP serves as a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP), pursuant to Section (a)(1)(B) of the ESA, as well as a Natural Communities Conservation Plan (NCCP) under the State NCCP Act of 2001. The plan encompasses all unincorporated Riverside County land west of the crest of the San Jacinto mountains to the Orange County line, as well as the jurisdictional areas of the cities of Temecula, Murrieta, Lake Elsinore, Canyon Lake, Norco, Corona, Riverside, Moreno Valley, Banning, Beaumont, Calimesa, Perris, Hemet, and San Jacinto. The overall biological goal of the MSHCP is to conserve covered species and their habitats, as well as maintain biological diversity and ecological processes while allowing for future economic growth within a rapidly urbanizing region.

As outlined in Section 6.1.1 of the MSHCP, *Payment of the mitigation fee and compliance with the requirements of Section 6.0 are intended to provide full mitigation under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), Federal Endangered Species Act, and California Endangered Species Act for impacts to the species and habitat covered by the MSHCP pursuant to agreements with the U.S. Fish and Wildlife Service, the California Department of Fish and Game and/or any other appropriate participating regulatory agencies and as set forth in the Implementing Agreement for the MSHCP.*

The District is a permittee of the MSHCP and is required to ensure District projects comply with applicable sections of the MSHCP. As outlined in Section 13.4 of the Implementing Agreement the District has the following obligations under the MSHCP and the Implementing Agreement (IA):

- *Adopt and maintain resolutions as necessary to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and the IA for its Covered Activities. Such requirements include: (1) compliance with the policies of the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools as set forth in Section 6.1.2 of this document; (2) compliance with the policies of the protection of Narrow Endemic Plant Species as set forth in Section 6.1.3 of this document; (3) conduct surveys as set forth in 6.3.2 of this document; (4) compliance with all requirements of Section 7.3.7 of this document; (5) compliance with Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of this document; (6) compliance with the Best Management Practices and the siting requirements and design criteria as set forth in Section 7.0 and Appendix C of this document [MSHCP].*
- *Contribute mitigation through payment of three (3) percent of total capital costs for a Covered Activity. Such payment may be offset through acquisition of replacement Habitat or creation of new Habitat for the benefit of Covered Species, as appropriate. Such mitigation shall be implemented prior to impacts to Covered Species and their Habitats.*
- *Manage land owned or leased within the MSHCP Conservation Area that has been set aside for Conservation purposes pursuant to a management agreement to be executed between the District and the California Department of Fish and Game (CDFG).*

- Carry out all other applicable requirements of the MSHCP, the IA and Permits. Notwithstanding the foregoing, nothing in the IA shall be construed to require the District to provide funding, or any other form of compensation, beyond the fees collected or dedicated lands required pursuant to the Permits, the IA and the MSHCP, consistent with the terms and conditions of the MSHCP.
- Participate as a member of the RMOC as set forth in Section 6.6.4 of the document.

### Section 6.1.2

The proposed project alignment does not contain evidence of any natural stream courses, riparian areas, or vernal pools. A small basin is located in the northeast portion of the site within Pat's Ranch Road and receives runoff from adjacent residential development. The artificial basin would not be considered a vernal pool pursuant to 6.1.2 of the MSHCP. Riparian/riverine areas and vernal pools are defined in Section 6.1.2 of the MSHCP. Areas that are artificially created are not included in these definitions. The features on site do not meet the definition of riparian/riverine areas and vernal pools under the MSHCP. The site does not contain suitable habitat for species associated with Section 6.1.2 habitat types. The proposed project satisfies the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools requirements of the MSHCP.

### Section 6.1.3

The proposed project is located within the Narrow Endemic Plant Species Survey Area, Group 7. Habitat assessments are required for Brand's phacelia (*Phacelia stellaris*), San Miguel savory (*Satureja chandleri*), and San Diego ambrosia (*Ambrosia pumila*). A habitat assessment was conducted in October 2009 within the proposed alignment. Suitable habitat to support these three plant species was not recorded on site. Given the site's exposure to recurring surface disturbances associated with agricultural cultivation, the absence of sandy washes and/or benches associated with alluvial flood plains, and extreme rarity of the species, Brand's phacelia is not expected to occur on the subject parcels. Likewise, due to the absence of rocky, gabbroic and metavolcanic substrates in coastal sage scrub, chaparral, cismontane woodland, riparian woodland, and valley and foothill grasslands, San Miguel savory is not expected to occur on site. Finally, given the absence of open floodplain terraces, vernal pools, and/or alkali playas, the San Diego ambrosia is also not expected to occur on the subject site. Therefore, no additional plant surveys or conservation measures are required. The project satisfies the Protection of Narrow Endemic Plant Species requirements of the MSHCP.

### Section 6.3.2

The proposed project is located within the Burrowing Owl Survey Area. Thus a habitat assessment was conducted in October 2009. No direct burrowing owl observations or sign were recorded during the habitat assessment however potential nesting/foraging habitat for the burrowing owl is present and the site could be occupied by burrowing owl at anytime of the year (moderate occurrence potential). A focused survey was conducted in March 2010 and no direct burrowing owl observations or sign (pellets, fecal material, or prey remains) were recorded on site. However, because the burrowing owl is well known to occur in the site vicinity it may utilize portions of the site during various times of the year, in particular if the site is left fallow following site discing.

Because burrowing owls were not observed within the project site during the focused survey effort additional conservation measures are not required pursuant to the MSHCP. To avoid impacts to any active nests, a pre-construction survey shall be conducted in areas supporting suitable burrowing owl habitat. Implementation of mitigation measure **MM Bio 2** will ensure potential impacts to burrowing owls are less than significant. The proposed project satisfies all the plant, mammal, amphibian, and bird Additional Survey Needs and Procedures requirements of the MSHCP.

### Section 6.1.4

As outlined in the MSHCP, "The guidelines presented in this section are intended to address indirect effects associated with locating Development in proximity to the MSHCP Conservation Area, where applicable. Existing local regulations are generally in place that address the issues presented in this section."

The project consists solely of a proposed drainage facility. Therefore, this project will not create the same type of impacts to wildland areas related to traffic, noise, landscaping, introduction of people, chemicals and pets within proximity to a wildland area that typical industrial, commercial, and residential development projects could. The project site is not located with or directly adjacent to the MSHCP Conservation Area. The proposed project will not conflict with the Guidelines Pertaining to The Urban/Wildlands Interface, including Drainage, Noise, Invasives, Toxics, Barriers Lighting and Grading/Land Development.

**Section 7.0 Design Criteria and Appendix C BMPs**

Section 7.3.7 of the MSHCP outlines that flood control facilities (improvements and new construction) that are undertaken by a permittee in the Criteria Area is a covered activity; those outside of the Criteria Area are also covered activities. It also identifies potential flood control projects within the MSHCP criteria area and implementation is subject to the construction guidelines as detailed in Section 7.5.3 as well as the standard Best Management Practices (BMPs) contained in Appendix C.

Section 7.5 of the MSHCP sets forth *Guidelines for Facilities Within the Criteria Area and Public/Quasi-Public Lands*. Section 7.5.3 outlines construction guidelines required when constructing facilities within the Criteria Area or within Public/Quasi-Public Lands. The proposed project is not located within Criteria Area or Public/Quasi-Public Lands. The applicable Appendix C BMPs shall be implemented during construction. The proposed project will satisfy the standard BMP requirements of the MSHCP.

Source: MSHCP, IA, Eco Sci 1, 2, 3

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Cultural Resource Discussion:**

**a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

*No Impact.* The State *CEQA Guidelines* state that the term “historical resources” applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the Lead Agency. The Eastern Information Center conducted a cultural resources records search on February 8, 2010 (Appendix C.1). According to their search and additional information gathered from the National Register of Historic Places, California Office of Historic Preservation and California Office of Historic Preservation, no listed cultural resources are located within the boundaries of the project site. Therefore, no impacts are anticipated.

Source: EIC

**b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?**

*Potentially Significant Impact Unless Mitigated.* Due to the highly disturbed nature of the project site through agricultural use, impacts to archaeological resources are not anticipated. A record search by the Eastern Information Center (Appendix C.1), failed to indicate the presence of any archaeological resources within the project area, nor did the Native American Heritage Commission Sacred Land Search (Appendix C.2), find presence of Native American cultural resources on the project site. However, in the unlikely event that archaeological resources are unearthed during excavation at the proposed project site, implementation of mitigation measure **MM Cultural 1** will reduce potential impacts to less than significant.

**MM Cultural 1:** If any cultural and/or archaeological resources are exposed during ground excavation disturbance, ground disturbance activities in the vicinity of the discovery shall immediately halt and, ground disturbance activities shall be moved to other parts of the project site and a qualified archaeologist shall be contacted to determine the significance of the resource(s). If the find is determined to be a historical or unique archaeological resource, as defined in Section 15064.5 of the California Code of Regulations (State *CEQA Guidelines*), avoidance or other appropriate measures shall be implemented.

Source: EIC, GP EIR, NAHC, Project Design

**c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

**Potentially Significant Impact Unless Mitigated.** According to Riverside County GIS, the project site is located within areas of high potential for finding paleontological resources. However, due to the highly disturbed nature of the project site through agricultural use, impacts to paleontological resources are not anticipated. To ensure that potential impacts to paleontological resources are avoided or reduced to a less than significant level, implementation of mitigation measure, **MM Cultural 2**, will reduce impacts to a less than significant level:

**MM Cultural 2:** If any paleontological resources are exposed during ground excavation disturbance, ground disturbance activities in the vicinity of the discovery will be terminated immediately and a qualified paleontological resources specialist will be retained to evaluate the resources. If the find is determined to be significant, avoidance or other appropriate measures as identified by the paleontologist shall be implemented. Appropriate measures would include that a qualified paleontologist be permitted to recover, evaluate and curate the find(s) in accordance with current standards and guidelines.

Source: Riv Co. GIS

**d) *Disturb any human remains, including those interred outside of formal cemeteries?***

**Potentially Significant Impact Unless Mitigated.** The proposed project is not located near any known formal cemeteries. Therefore, the project site is not expected to disturb any known human remains. The Native American Heritage Commission (NAHC) Sacred Lands File search (Appendix C.2), failed to indicate the presence of known Native American cultural resources or sacred sites in the immediate project area. In the unlikely event that human remains are encountered on the project site, implementation of mitigation measure, **MM Cultural 3**, will reduce impacts to a less than significant level.

**MM Cultural 3:** Per State Health and Safety Code 7050.5, if human remains are encountered during construction, no further disturbance shall occur until the Riverside County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Riverside County Coroner must be notified within 24 hours. If the County Coroner determines that the remains are not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent for this area. Once the most likely descendent is determined, treatment of the Native American human remains will proceed pursuant to Public Resources Code Section 5097.98.

Source: NAHC, Thomas Guide

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial changes in topography, unstable soil conditions from excavation, grading or fill, or soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Geology and Soils Discussion:**

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

*No Impact.* According to Riverside County GIS, the project site is not located within or near a currently delineated State of California Alquist-Priolo Earthquake Fault Zone. In addition, the Riverside County GIS does not show any known faults within the project area. Therefore, no impacts are anticipated.

Source: Riv Co. GIS, CGS

ii) *Strong seismic ground shaking?*

*Less Than Significant Impact.* Most of southern California is subject to strong seismic ground shaking due to the sheer number of faults traversing the region. According to Riverside County GIS, the project area is not located within a fault zone nor is it within a ½ mile of a fault. The District's routine inspection and maintenance activities will ensure that the storm drain system is repaired if damage does occur during a seismic event. Therefore, impacts are anticipated to be less than significant.

Source: Riv Co GIS

iii) *Seismic-related ground failure, including liquefaction?*

*Less Than Significant Impact.* According to Figure S-3 of the Riverside County General Plan, the project is located within an area of "high" susceptibility for liquefaction due to the shallow depth the groundwater within the area. However, the proposed project is a storm drain facility and does not provide habitable structures. In addition, the

District's routine inspection and maintenance activities will ensure that the storm drain system is repaired if damage does occur during a seismic-related ground failure, including liquefaction. Therefore, the project is anticipated to have a less than significant impact.

Source: EAP

*iv) Landslides or mudflows?*

**No Impact.** The project site is relatively flat ranging in elevation from 620 to 640 feet mean sea level. There are no known or mapped geologic units or soils that are unstable on the project site, or could become unstable as a result of the project implementation. There are no known geologic units that could potentially result in on- or off-site landslides, lateral spreading, collapse or create rockfall hazards as a result of the proposed project. The project area is relatively flat and is not mapped as having susceptibility to seismically induced landslides. Additionally, as the project is not located on a hillside and does not provide habitable structures, potential impacts to people or structures due to landslides or mudflows are not anticipated. The proposed storm drain will be installed below the ground surface (existing or proposed) and will be returned to existing conditions following construction. Therefore, there are no anticipated impacts.

Source: Riv Co. GIS

*b) Result in substantial changes in topography, unstable soil conditions from excavation, grading or fill, or soil erosion or the loss of topsoil?*

**Less Than Significant Impact.** The proposed alignment is generally located on level ground and would not entail substantial changes in topography or unstable soil conditions. The primary components of the project are below ground and will reduce erosion and the loss of topsoil by providing an adequate drainage conduit to convey storm water runoff. The proposed project has the potential to result in the short-term loss of top soil during construction due to runoff and soil erosion. This will be minimized however, by compliance with the National Pollutant Discharge Elimination System (NPDES) general construction permit which requires that a storm water pollution prevention plan (SWPPP) be prepared prior to construction activities and implemented during construction activities. The SWPPP will incorporate applicable Best Management Practices (BMPs) to minimize the loss of topsoil or substantial erosion, thus potential impacts are considered less than significant.

Source: Riv Co GP, Riv Go GIS

*c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

**Less than Significant Impact.** According to Riverside County GIS, the proposed project is located in an area that may be susceptible to subsidence and moderate to high levels of liquefaction. However, the project alignment spans a small area and the project itself does not contain structures that would be inhabited by humans which thereby, will not expose persons directly to substantial adverse effects from seismic related ground failure. Additionally, the area is not susceptible to landslides as discussed in 6(a)(iv), above. Therefore, potential impacts are less than significant.

Source: Riv Co. GIS

*d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

**No Impact.** There are no known mapped expansive soils on the project site; the soil types are primarily sandy loams with some very fine sands and terrace escarpments. In addition, the project itself will not include any structures that would be inhabited by humans and will not create a substantial risk to life or property. Adherence to applicable policies and standards contained in the most recent Uniform Building Code related to the construction of structures and facilities on expansive soils will minimize impacts. Therefore, impacts from pipeline installation are not anticipated.

Source: GP EIR, Riv Co. GIS, USDA, SureVoid, WSS

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

**No Impact.** The proposed project consists of the construction and maintenance of a storm drain system. There are no housing units or businesses proposed as part of the project. Therefore, sewer or wastewater disposal facilities would not be required. Therefore, no impacts are anticipated.

Source: Project Design

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Hazards and Hazardous Materials Discussion:**

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**Less Than Significant Impact.** Construction and subsequent maintenance of the proposed project does not involve the routine use or transport of hazardous materials beyond the short-term use of petroleum-based fuels, lubricants, pesticides and other similar materials during construction and the occasional transport and use of these materials during the subsequent maintenance phase. The construction phase may include the transport of gasoline and diesel fuel to the project site and on-site storage for the sole purpose of fueling construction equipment. Best Management Practices



(BMPs) stipulating proper storage of hazardous materials and vehicle fueling will be included in the SWPPP. All transport, handling, use and disposal of substances such as petroleum products, solvents and paints related to operation and maintenance of the proposed project will comply with all Federal, State and local laws regulating the management and use of hazardous materials. The proposed project will not create a significant hazard to the public or the environment.

Source: Project Design

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Less Than Significant Impact.** See response to item 7 (a), above. The potential risk of an accidental explosion or the release of hazardous substances associated with the proposed project is minimal. However, there is a low potential that excavation activities during construction could uncover hazardous materials. In the event that hazardous waste is discovered during site preparation or construction, the identified hazardous waste and/or hazardous material shall be handled and disposed of in the manner specified by the *State of California Hazardous Substances Control Law (Health and Safety Code, Division 20, Chapter 6.5)* and according to the requirements of the California Administrative Code, Title 30, Chapter 22. BMPs will be implemented for the duration of project construction that will avoid and minimize the release of hazardous materials into the environment.

The project is not located on a known hazardous materials site as outlined in the search of available environmental records conducted by EDR (Appendix D). Therefore, no impacts are anticipated.

In the unlikely event that hazardous waste is encountered on the project site during construction of the project, the following mitigation measure will be incorporated into the project to ensure that impacts remain less than significant.

**MM Hazardous 1:** If previously unknown hazardous wastes/materials are encountered in the field during construction, ground disturbance activities in the vicinity of the discovery shall cease until a qualified hazardous materials management specialist can assess the potentially hazardous substances and, if necessary, develop appropriate management measures for the treatment and disposal of the materials in accordance with applicable laws and regulation set by the appropriate regulatory agencies.

Source: Project Design, EDR

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**No Impact.** The proposed project does not involve the use of hazardous materials, substances or waste and is not located within one quarter mile of an existing or proposed school. Therefore, no impacts are anticipated.

Source: Project Design, Thomas Guide

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**No Impact.** The proposed project is not located on a known hazardous materials site as outlined in the search of available environmental records conducted by EDR (Appendix D). Therefore, no impacts are anticipated.

Source: EDR

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** The project site is not located within an airport land use plan. The closest airport to the project site is Chino Airport which is located approximately 2.5 miles west of the project site. However, because the proposed storm drain

will be subsurface and construction activities are short-term and temporary, the project is not expected to result in a safety hazard. Therefore, the project would not result in a safety hazard for people working in the project area. No impacts are anticipated.

Source: GP EIR

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** The proposed project is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Source: Thomas Guide

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** According to the *Riverside County General Plan*, an adopted emergency response plan or emergency plans does not exist within the proposed project area. The project is not located within a public road and will be located below the ground surface therefore, no impacts are anticipated.

Source: GP

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed?**

**No Impact.** The potential for a major wildfire within the project area is considered low due to a lack of vegetation. Implementation of the proposed project will not expose people or structures to risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed. Therefore, no impacts are anticipated.

Source: EAP

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VIII. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial discharges of typical storm water pollutants (e.g. sediment from construction activities, hydrocarbons, and metals from motor vehicles, nutrients and pesticides from landscape maintenance activities, metals of other pollutants from industrial operation) or substantial changes to surface water quality including, but not limited to, temperature, dissolved oxygen, pH, or turbidity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of a watercourse or wetland, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place structures or fill within a 100-year flood hazard area which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Substantially change the amount of surface water in any water body or wetlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Hydrology and Water Quality Discussion:**

**a) *Violate any water quality standards or waste discharge requirements?***

***Less Than Significant Impact.*** Under Section 303(d) of the 1972 *Clean Water Act*, states are required to develop a list of water quality limited segments. The Santa Ana River, Reach 3 does not meet water quality standards for pathogens even after point sources of pollution have installed the minimum levels of pollution control technology. Implementation of the proposed project will result in the construction and maintenance of a storm drain facility. The project area does not discharge directly to a water body listed on the 303(d) list. The proposed storm drain will provide connection between an existing MDP facility and a Caltrans facility. The proposed project will not create new sources of storm water pollution.

The proposed project will not change the existing or proposed land use of the surrounding area, therefore, the type and amount of typical storm water pollutants in the runoff discharged after implementation of this project is not expected to vary from the existing condition.

The discharge of pollutants will be further minimized through the on-going compliance with the County National Pollutant Elimination System (NPDES) Municipal Storm Sewer System (MS4) permit issued by the California Regional Water Quality Control Board, Santa Ana Region (Permit R8-2010-0033). The MS4 permit requires that the District and other municipalities implement a broad range of Best Management Practices (BMPs) to reduce the discharge of storm water pollutants to the maximum extent practicable. Future development projects within the Line J tributary area will be required to comply with the MS4 permit and implement a site specific Water Quality Management Plan (WQMP). The District will file a Notice of Intent with the RWQCB and prepare/implement a Storm Water Pollution Prevention Plan (SWPPP) with BMPs incorporated to minimize water quality impacts from construction.

The potential short-term discharge of storm water pollutants during construction activities will be minimized to an insignificant level through the implementation of the BMPs stipulated in the SWPPP to prevent storm water pollution, reduce loss of topsoil, substantial erosion, or discharge of polluted runoff associated with project construction. Through compliance with the regulatory requirements of the NPDES Statewide General Construction Permit implementation of the project will not violate any water quality standards or waste discharge requirements. Therefore, impacts are anticipated to be less than significant.

Source: Project Design, NPDES, SWRCB

- b) ***Result in substantial discharges of typical storm water pollutants (e.g. sediment from construction activities, hydrocarbons, and metals from motor vehicles, nutrients and pesticides from landscape maintenance activities, metals of other pollutants from industrial operation, ) or substantial changes to surface water quality including, but not limited to, temperature, dissolved oxygen, pH, or turbidity?***

***Less Than Significant Impact.*** See response to item 8(a), above.

- c) ***Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?***

***Less Than Significant Impact.*** The project will not result in the withdrawal or use of groundwater. The proposed project consists of a subsurface drainage facility that will convey storm water flow from the project area to an existing box culvert to complete connection of the Day Creek Master Drainage Plan Line J facility. A reduction in groundwater recharge over the project area is anticipated to occur as the subsurface concrete facility replaces native cover; however, this reduction will be minimal. Therefore, the proposed project will not substantially deplete groundwater supplies or interfere with groundwater recharge. Less than significant impacts are anticipated.

Source: Project Design

- d) ***Substantially alter the existing drainage pattern of the site or area, including through the alteration of a watercourse or wetland, in a manner which would result in substantial erosion or siltation on- or off-site?***

***No Impact.*** The project will not alter any watercourse or wetland (pending determination from Army Corps and CDFG). The proposed project does not alter existing or proposed land use within the project area; therefore, the project will not increase the quantity of surface water runoff. Implementation of the proposed project will result in the construction and maintenance of a storm drain facility that will connect to an existing downstream portion of Line J with sufficient capacity to convey the runoff from the proposed project. Therefore, no impacts are anticipated.

Source: Project Design

- e) ***Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?***

***Less Than Significant Impact.*** The proposed project consists of the construction and maintenance of an underground (below either existing or proposed surface) storm drain facility. The existing on-site swale feature does not appear to function as a stream and does not have capacity for significant runoff. The proposed storm drain system will safely collect and convey storm water runoff through the project area and connect to the existing downstream Caltrans facility to maintain existing drainage patterns in the project area. Therefore, the potential for onsite and offsite flooding will be reduced. Impacts are anticipated to be less than significant.

Source: Project Design

- f) ***Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***

**No Impact.** The proposed storm drain facility will not modify existing land use. Therefore, the project will not create or contribute new sources of storm water runoff or polluted runoff. The project is intended to collect and convey storm water through the project area. Therefore, the project will not create or contribute new sources of storm water runoff or polluted runoff. As the project is intended to connect existing portions of the MDP Line J to allow sufficient MDP capacities, no impacts are anticipated.

Source: Project Design

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** No housing is proposed as part of the project; therefore, no impacts are anticipated.

Source: Project Design

- h) **Place structures or fill within a 100-year flood hazard area which would impede or redirect flood flows?**

**Less Than Significant Impact.** The project site is within an area subject to the 100-year flood zone associated with Day Creek MDP Line J. The project would redirect surface water into the underground storm drain. However, since the existing swale does not appear to function as a stream with beneficial uses the impacts are anticipated to be less than significant.

Source: Project Design, FEMA

- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**No Impact.** The proposed project is not located near a dam or within an inundation zone. The proposed drainage facilities will not expose people or structures to any additional significant flooding risk and will, in fact, lessen that risk to nearby development. Therefore, no impacts are anticipated.

Source: Project Design

- j) **Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami or mudflow?**

**No Impact.** The project is not located within an area that would be subjected to seiche, tsunami, or mudflow. Therefore, no impacts are anticipated.

Source: Project Design

- k) **Substantially change the amount of surface water in any water body or wetlands?**

**No Impact.** The project is intended to collect and convey storm water through the project area. Therefore, the project will not create or contribute new sources of stormwater runoff to change the amount of surface water in any water body or wetlands. No impacts are anticipated.

Source: Project Design

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>IX. LAND USE PLANNING.</b> Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Land Use and Planning Discussion:**

**a) Physically divide an established community?**

**No Impact.** The project consists of the construction and maintenance of a subsurface storm drain facility and would therefore, not physically divide an established community. No impacts are anticipated.

Source: Figure 2, Project Design

**b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**No Impact.** The project lies within an area designated by the Riverside County General Plan as Light Industrial and Public Facilities land uses. Installation of the proposed storm drain facility would not affect the surrounding land use designations or other policies or regulations. In addition, *Riverside County Ordinance No. 348, Section 18.2a(b)* exempts public agency projects, such as this proposed project, from County zoning regulations. Therefore, no impacts are anticipated.

Source: Project Design, RC Ord. 348, EAP

**c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**Less Than Significant Impact.** See response to item IV(f), above.

Source: MSHCP, IA, Eco Sci 1, 2, 3

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>X. MINERAL RESOURCES.</b> Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Mineral Resources Discussion:**

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

*No Impact.* The proposed project is located within an area designated as MRZ-3, as determined by the State Mining and Geology Board (SMGB). This mineral resource zone includes areas where the available geologic information indicates that mineral deposits exist, or are likely to exist, however the significance of the deposit is undetermined. The proposed project is not located on a locally important mineral resource recovery site. The proposed alignment will impact a relatively small footprint of only 1,930 linear feet (approximately 0.5 acres) which would not result in a significant loss of availability of a known mineral resource; therefore, no impacts are anticipated.

Source: EAP

- b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

*No Impact.* See response 10(a), above.

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XI. NOISE.</b> Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
the project expose people residing or working in the project area to excessive noise levels?				

**Noise Discussion:**

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less Than Significant Impact.** The project will involve the use of mechanical equipment for temporary construction activities. An intermittent and relatively brief use of mechanical equipment will be used for maintenance activities following construction. To reduce impacts associated with construction-related activities, Riverside County employs Section 1.G.1 of Riverside County Ordinance 457. That ordinance requires, “Whenever a construction site is within one-quarter (1/4) of a mile of an occupied residence or residences, no construction activities shall be undertaken between the hours of 6:00 p.m. and 6:00 a.m. during the months of June through September and between the hours of 6:00 p.m. and 7:00 a.m. during the months of October through May. Exceptions to these standards shall be allowed only with the written consent of the building official.” Potential impacts associated with maintenance and construction-related noise impacts will be reduced by the County’s regulated time constraints which limit the construction-related activities to less sensitive hours of the day. Additionally, the facility will be a gravity-fed storm drain facility and is not considered a noise-generating facility, therefore, impacts are considered less than significant.

Source: Project Design

- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

**Potentially Significant Impact Unless Mitigated.** See XI.a, above. The proposed project would involve the temporary and intermittent use of construction equipment for various construction and maintenance activities over the life of the project. Construction and maintenance equipment may result in temporary increases of the existing noise levels. Maintenance activities would be infrequent and involve less equipment than the initial construction of the proposed project. Residential areas are located within ¼-mile of the project site and could be temporarily affected by increased noise levels during construction. To ensure that potential short-term impacts are less than significant, the proposed project will comply with *Riverside County Ordinance 457* and incorporate the following measures:

**MM Noise 1:** Heavy equipment use during construction shall be limited between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday and prohibited on weekends and holidays, unless otherwise approved by the District’s General Manager under special circumstances (i.e. emergency situations).

**MM Noise 2:** The District shall alert the construction contractor of any noise complaints and incorporate any feasible and practical techniques which minimize the noise impacts on adjacent residences.

Source: Project Design

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Less Than Significant Impact.** Apart from periodic maintenance activities (discussed under item XI.b), on-going operation of the proposed flood control facility does not involve activities that would permanently increase noise levels in the project vicinity.

Source: Project Design



- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Potentially Significant Impact Unless Mitigated.** See response to item XI.b.

Source: Project Design

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The project site is not located within an airport land use plan, or within two miles of a public airport or public use airport; therefore, no impact will occur.

Source: Thomas Guide

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The project site is not located within the vicinity (or within two miles) of a private airstrip; therefore, no impact will occur.

Source: Thomas Guide

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XII. POPULATION AND HOUSING.</b> Would the project:				
a. Induce substantial population growth in an area, either directly ( <i>for example, by proposing new homes and businesses</i> ) or indirectly ( <i>for example, through extension of roads or other infrastructure</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Population and Housing Discussion:**

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**Less than significant Impact.** Implementation of the project will not directly induce substantial population growth, as it does not include the construction of homes and businesses. The proposed project is construction Stage 2 of Line J of the Day Creek MDP designed to serve development anticipated in the County of Riverside General Plan and evaluated in the General Plan EIR. Potential impacts are less than significant.

Source: Project Design, EAP, GP EIR

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** There are no existing residences within the project site. As such the project will not result in the displacement of any persons or necessitate the construction of replacement housing elsewhere. No impacts are anticipated.

Source: Figure 2, Project Site

**c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** See response to item XII(b), above.

Source: Figure 2, Project Site

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIII. PUBLIC SERVICES.</b> Would the project:				
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 public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Public Service Discussion:**

**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 public services?**

**i. Fire protection?**

**No Impact.** The nature of this project will not necessitate the construction of new facilities or increase the demand on fire services. No impacts are anticipated.

Source: Project Design

**ii. Police protection?**

**No Impact.** The nature of this project will not necessitate the construction of new facilities or increase the demand on police protection services. No impacts are anticipated.

Source: Project Design

**iii. Schools?**

**No Impact.** The nature of this project will not necessitate the construction of new facilities or increase the demand on schools. No impacts are anticipated.

Source: Project Design

**iv. Parks?**

**No Impact.** The nature of this project will not necessitate the construction of new facilities or increase the demand on park services. No impacts are anticipated.

Source: Project Design

**v. Other public facilities?**

**No Impact.** There are no other public facilities that would be adversely impacted by implementation of the proposed project. No impacts are anticipated.

Source: Project Design

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIV. RECREATION.</b>				
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"/>
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"/>

**Recreation Discussion:**

**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?**

**No Impact.** The proposed project does not involve new housing or employment opportunities that would directly generate users which would result in an increased use of existing parks or recreational facilities. No impacts are anticipated.

Source: Project Design

**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?**

**No Impact.** The proposed project does not include recreational facilities or involve the construction of housing or creation of employment opportunities that would directly generate users that would result in a need for construction or expansion of recreational facilities. No impacts are anticipated.

Source: Project Design

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XV. TRANSPORTATION AND TRAFFIC.</b> Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Transportation and Traffic Discussion:**

- a) *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*

**Less Than Significant Impact.** The project proposes the construction and subsequent periodic maintenance of a storm drain facility, which is not a traffic-generating project. Temporary truck traffic will be incrementally increased on area roadways during the construction period; however, the quantity of these trips will not be considered significant in relation to existing vehicular volume. Subsequent maintenance will involve infrequent visits to the site, likely utilizing a light truck; this will not contribute to any significant increase in traffic on area roadways. Since the project will not cause an increase in traffic that is considered substantial in relation to the existing traffic load and capacity of the street system, less than significant impacts are anticipated.

Additionally, because of the type of project being proposed and because no component will extend into any roadways, the project does not include any factor that would cause a conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. This includes all modes of transportation, taking into account mass transit and non-motorized methods of travel.

Source: Project Description

- b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

**Less Than Significant Impact.** As described under item XV.a, there are no components of the proposed project that could cause a substantial increase in traffic which would result in an individual or cumulative exceedance of an established level of service standard. Truck trips related to construction and subsequent maintenance will be minor in relation to existing traffic volumes on area roadways. Therefore, with respect to a project-specific exceedance, either individually or cumulatively, of an established level of service standard, less than significant impacts are expected.

Additionally, for the same reasons, the proposed project will not conflict with any applicable congestion management program, including but not limited to travel demand measures or other standards.

Source: Project Description

- c) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**No Impact.** The proposed project does not include any component that would alter existing roadway design features. The proposed project does not include any component that would introduce new hazards to design features since the project does not propose any new roadways. The project is not proposing a new use that could introduce incompatible elements to area roadways. Therefore, with respect to substantially increasing hazards due to a design feature or incompatible uses, no impact is anticipated.

Source: Project Description

- d) **Result in inadequate emergency access?**

**No Impact.** The proposed project will be constructed on land that is adjacent to I-15 and currently vacant. Construction will not take place within a roadway or in a manner that would cause emergency access, to any existing use in the project area, to be compromised. Therefore, because temporary construction activities and subsequent maintenance of the project will not result in emergency access to the project site or area land uses, no impact is anticipated.

Source: Project Description

- e) **Result in inadequate parking capacity?**

**No Impact.** Since there is vacant land on and adjacent to the project site, parking requirements associated with temporary construction activities will be sufficient. Long-term operation for a project of this type does not require parking. Parking for the project's subsequent maintenance needs will be sufficed on-site and no additional parking requirements are necessary for the project. Therefore, with regards to parking capacity, no impact is anticipated.

Source: Project Description

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a. Require or result in the construction of new water or wastewater treatment or transmission 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"/>
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"/>
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"/>
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"/>
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"/>
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"/>

## Utilities and Service Systems Discussion:

- a) *Require or result in the construction or relocation of new water or wastewater treatment or transmission facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

*No Impact.* The proposed project does not require or result in the expansion or new water or wastewater treatment facilities. Therefore, no impacts are anticipated.

Source: Project Design

- 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?*

*No Impact.* The proposed project consists of the construction of a new drainage facility to alleviate flooding within the project area and complete the connection for the Day Creek Master Drainage Plan Line J. Therefore, no impacts are anticipated.

Source: Project Design

- c) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

*No Impact.* The proposed project will not result in new or expanded water supplies. Therefore, no impacts are anticipated.

Source: Project Design

- 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?*

*No Impact.* The proposed project would not generate wastewater. No new wastewater facilities are required as a result of the proposed project. Therefore, no impacts are anticipated.

Source: Project Design

- e) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

*No Impact.* Construction of the project does not present the potential for generation of significant volumes of solid waste. Maintenance of the facility will not generate significant volumes of solid waste therefore, no impacts are anticipated.

Source: Project Design

- f) *Comply with federal, state, and local statutes and regulations related to solid waste?*

*No Impact.* Refer to item 16(e), above.

Source: Project Design

<b>ENVIRONMENTAL FACTORS:</b>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
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 an 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"/>
b. Does the project have the potential to achieve short-term environmental goals, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. 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> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Mandatory Findings of Significance Discussion:**

- 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 an endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Potentially Significant Impact Unless Mitigated.** The project site has been heavily disturbed. Native and sensitive plant communities do not exist on the site due to this heavy disturbance. The proposed project is not expected to have the potential to substantially degrade the quality of the environment or reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of mitigation measures **MM Bio 1** and **MM Bio 2** will ensure the proposed project does not impact sensitive bird species that may occupy the site when construction is initiated. **MM Bio 3** will ensure that the proposed project does not significantly impact on-site resources under the jurisdiction of CDFG.

The project is not expected to eliminate the important example of the major periods of California history or prehistory. Although no archaeological, historic or paleontological resources are documented to occur in the project alignment, potential archaeological, historic and paleontological resources may occur underground. However, these resources are not expected to be discovered because of the highly disturbed natures of the project alignment resulting from previous agricultural activities. In the event that archaeological or paleontological resources are unearthed during construction, implementation of mitigation measures **MM Cultural 1** and **MM Cultural 2** will ensure the proposed project does not eliminate important examples of the major periods of California history or prehistory, or archaeological and paleontological resources.

Source: Analysis contained in the above checklist.

- b) *Does the project have the potential to achieve short-term environmental goals, to the disadvantage of long-term, environmental goals?*

**Less Than Significant Impact.** The proposed project is consistent with the *County of Riverside General Plan* and the *Western Riverside County MSHCP*, and will not result in significant adverse impacts on the ability to achieve long-term environmental goals. Potential impacts are less than significant.

Source: Analysis contained in the above checklist

- c) *Does the project have impacts that are individually limited, but cumulatively considerable? (“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)?*

**Less Than Significant Impact.** The proposed project does not have any impacts that are individually limited, but cumulatively considerable. The project is in conformance with the AQMP, and the project’s short-term and long-term air quality emissions do not exceed the SCAQMD established thresholds of significance; the project’s net increase in criteria pollutant emissions for which the project region is non-attainment is not cumulatively considerable. Also the proposed project will not exceed either individually or cumulatively, a level of service standard established for designated roads or highways. The impact is considered less than significant.

Source: Analysis contained in the above checklist

- d) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**Less Than Significant Impact.** As discussed, this project would result in very minimal environmental impacts such as air quality, hazardous materials, noise, and transportation due to construction related activities. Potential impacts to air quality and transportation will be less than significant and will not cause substantial adverse effects directly or indirectly on human beings. With the incorporation of the mitigation measures described in Sections VII and XI, potential hazardous material and noise impacts will be less than significant and would not cause substantial adverse effects on human beings.

Source: Analysis contained in the above checklist

## **EARLIER ANALYSES**

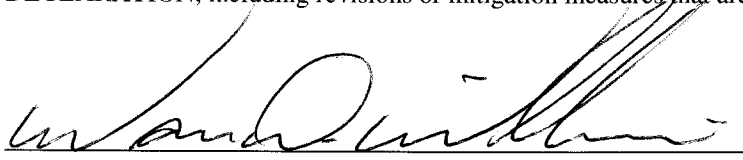
No earlier analysis was used pursuant to the tiering, program EIR or other CEQA process, nor does the analysis rely on an earlier EIR or negative declaration (such as the mitigated negative declaration for the Day Creek MDP, Revision No. 2) pursuant to California Code of Regulations, Section 15063(c)(3)(D).



**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation which reflects the independent judgment of the District, it is recommended that:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.

Signature 

Date 11/2/14

WARREN D. WILLIAMS, General Manager-Chief Engineer  
Printed Name

## REFERENCES AND BIBLIOGRAPHY

The following documents were referred to as information sources during preparation of this document. They are available for public review at the locations abbreviated after each listing and spelled out at the end of this section. Some of these documents may also be available at the Riverside City and County Public Library, 3581 Seventh Street, Riverside CA 92502-0468, and or branches of the library.

<u>Cited As:</u>	<u>Source:</u>
ACOE JD	U.S. Army Corps of Engineers, Letter regarding: <i>Approved Jurisdictional Determination regarding presence/absence of geographic jurisdiction</i> , August 2, 2010. (Appendix B.4)
AQMP	South Coast Air Quality Management District, <i>Air Quality Management Plan</i> , June 2007. (Available at SCAQMD.)
CGS	California Department of Conservation, <i>California Geological Survey, Alquist-Priolo Earthquake Fault Zones</i> . (Accessed on March 29, 2010 at <a href="ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/SP42.pdf">ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/SP42.pdf</a> ).
Conservation	California Department of Conservation, Division of Land Resource Protection, <i>Farmland Mapping and Monitoring Program. Land Use Conversion reports, 1996-1998</i> . (Available at <a href="http://www.consrv.ca.gov/dlrp/fmmp">http://www.consrv.ca.gov/dlrp/fmmp</a> )
Eco Sci 1	Ecological Sciences, <i>General Habitat Assessment</i> , October 12, 2009. (Appendix B.1)
Eco Sci 2	Ecological Sciences, <i>Focused Western Burrowing Owl Survey</i> , March 24, 2010. (Appendix B.2)
Eco Sci 3	Ecological Sciences, <i>Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation</i> , January 11, 2010. (Appendix B.3)
EAP	County of Riverside, <i>County of Riverside General Plan, Eastvale Area Plan</i> , adopted October 7, 2003. (Available at <a href="http://www.rctlma.org/genplan/default.aspx">http://www.rctlma.org/genplan/default.aspx</a> )
EDR	Environmental Data Resources, Inc., The EDR Radius Map™ Report with GeoCheck®, February 3, 2010. (Appendix D)
EIC	Eastern Information Center, Department of Anthropology, University of California Riverside (UCR), letter dated February 8, 2010. (Appendix C.1).
FEMA	Flood Emergency Management Agency, <i>Flood Insurance Rate Map Panel 06065C0681G and 06065C0683G</i> . (Available at <a href="http://www.fema.gov">www.fema.gov</a> )
GP	County of Riverside, <i>County of Riverside General Plan</i> , adopted October 7, 2003. (Available at <a href="http://www.rctlma.org/genplan/default.aspx">http://www.rctlma.org/genplan/default.aspx</a> )
GP EIR	County of Riverside, <i>County of Riverside General Plan Final Program Environmental Impact Report</i> , adopted October 7, 2003. (Available at <a href="http://www.rctlma.org/genplan/default.aspx">http://www.rctlma.org/genplan/default.aspx</a> )
IA	County of Riverside, Transportation and Land Management Agency, <i>Implementing Agreement for the Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan</i> . (Available at <a href="http://www.wrc-rca.org/library.asp">http://www.wrc-rca.org/library.asp</a> )
MSHCP	County of Riverside, Transportation and Land Management Agency, <i>Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)</i> , approved June 17, 2003. (Available at <a href="http://www.wrc-rca.org/library.asp">http://www.wrc-rca.org/library.asp</a> )
NAHC	Native American Heritage Commission, letter dated January 25, 2010. (Appendix C.2)
NPDES	National Pollutant Discharge Elimination System (Accessed on March 29, 2010 at <a href="http://www.swrcb.ca.gov/water_issues/programs/npdes/">http://www.swrcb.ca.gov/water_issues/programs/npdes/</a> )
Riv Co GIS	Riverside County, <i>Geographical Information System</i> . (Accessed on March 11, 2010 at <a href="http://www.rctlma.org/gis/content/apps_reports.aspx">http://www.rctlma.org/gis/content/apps_reports.aspx</a> )

- RC Ord. 348 Riverside County, *Ordinance 348*, adopted August 24, 2009. (Accessed on March 11, 2010 at [http://www.rctlma.org/planning/content/zoning/ordnance/ord348\\_toc.html](http://www.rctlma.org/planning/content/zoning/ordnance/ord348_toc.html))
- RWQCB JD California Regional Water Quality Control Board, Letter regarding: *Proposed Discharges of Fill Associated with the Day Creek Master Drainage Plan, Line J, Stage 2 Site, Mira Loma, Riverside County*, October 1, 2010. (Appendix B.5)
- SureVoid *Swelling Clays Map of the Conterminous United States*, published in 1989 as Map I-1940 in the USGS Miscellaneous Investigations Series. (Accessed on March 29, 2010 at [http://www.surevoid.com/soil\\_maps/ca.php](http://www.surevoid.com/soil_maps/ca.php))
- SWRCB State Water Resources Control Board, (Accessed on March 29, 2010 at [www.swrcb.ca.gov/rqqcb8](http://www.swrcb.ca.gov/rqqcb8))
- Thomas Guide Thomas Guide for San Bernardino and Riverside Counties, 2008. (Available at public libraries.)
- USDA United States Department of Agriculture, Soil Conservation Service. *Soil Survey, Western Riverside Area, California*. November 1971. (Available at USDA.)
- WEBB Albert A. Webb Associates, *Air Quality Modeling Assumptions*, March 29, 2010. (Appendix A)
- WSS United States Department of Agriculture, Natural Resource Conservation Service, *Web Soil Survey*. (Accessed March 26, 2010 at <http://websoilsurvey.nrcs.usda.gov/app/>)

Location:

Address:

County of Riverside-Planning Dept

4080 Lemon Street, 9<sup>th</sup> Floor, Riverside CA 92502

SCAQMD

21865 Copley Drive, Diamond Bar, CA 91765

USDA

U.S. Department of Agriculture, Natural Resource Conservation Service (formerly Soil Conservation Service), 1299 Columbia Avenue, Suite E-5, Riverside, CA 92507

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# **RESPONSES TO COMMENTS**

## **Regarding Initial Study/Mitigated Negative Declaration for the Day Creek Master Drainage Plan, Line J – Stage 2 Project**

Prepared for:

Riverside County Flood Control and Water Conservation District

**October 2011**

## **Introduction**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to analyze the environmental effects associated with the Riverside County Flood Control and Water Conservation District's (hereinafter referred to as the "District") proposal to develop the Stage 2 portion of the Day Creek Master Drainage Plan (MDP) Line J storm drain facility. The IS/MND was circulated for a 30-day public review period, from January 27, 2011 through February 25, 2011. The District received four comment letters during the public review period from the following parties:

**CDFG** California Department of Fish and Game  
**DOT** California Department of Transportation  
**OPR** Governor's Office of Planning and Research with attachments  
**Pala** Pala Band of Mission Indians

Section 15074 of the State CEQA Guidelines requires the decision-making body to consider the proposed MND together with any comments received during the public review process. There is no requirement for a formal response to each of the comments received (unlike the requirement for a Final Environmental Impact Report). However, in order to provide the Riverside County Board of Supervisors with additional information upon which to base their decision, the following Response to Comments has been prepared.

No new, unavoidable significant effects have been identified during the public comment period and pursuant to Section 15073.5 of the State CEQA Guidelines, there is no requirement to re-circulate the environmental documents for this project.

## **Response to Comment Letter from Department of Fish and Game, Dated February 24, 2011**

The California Department of Fish and Game (CDFG) provided comments regarding the Day Creek Master Drainage Plan Line J – Stage 2 Project in its letter dated February 24, 2011. The following discussion provides a response to the comments contained in that letter.

### **CDFG Comment 1**

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Mitigated Negative Declaration (MND) for the Day Creek Master Drainage Plan Line J – Stage 2. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the unincorporated area of Mira Loma and is bounded on the north by Limonite Ave., on the south by 68<sup>th</sup> St., on the west by residential development and on the east by Pats Ranch Rd.

The proposed project consists of the construction and maintenance of a subsurface drainage facility that will convey storm water flow from the project area to an existing box culvert. Temporary inlets will be placed at low points to collect nuisance flows. These inlets are planned for removal as development of the site occurs. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide reinforced concrete box (RC) culvert that crosses underneath 68<sup>th</sup> Street. Line J will extend from this connection at 68<sup>th</sup> street 1,930 linear feet where it will connect to an existing upstream portion of Line J on the west side of Pats Ranch Road.

The Department believes that the CEQA document does not adequately assess environmental impacts and mitigation and recommends that a subsequent CEQA document [MND] that addresses the recommendations in this letter be circulated.

### **MSHCP**

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits.

The site is located within the Eastvale Plan Area of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The site is not within any MSHCP Criteria Cells. The site is within a Narrow Endemic Plant Area (Brand's phacelia, San Miguel Savory and San Diego ambrosia) and a MSHCP Additional Survey Needs and Procedures Area.

### **Response to CDFG Comment 1**

The District acknowledges CDFG is a Trustee agency with regard to the fish and wildlife of the state, designated rare or endangered native plants, game refuges, ecological reserves, or other areas administered by CDFG (State CEQA Guidelines Section 15386). CDFG may also be a Responsible agency if the project requires a discretionary approval (State CEQA Guidelines Section 15381). As stated on page 7 of the IS/MND, the project has the potential to require a Section 1602 Streambed Alteration Agreement.

The comment accurately summarizes the proposed project and the MSHCP. However, as outlined in the remaining responses, the District believes that the IS/MND adequately assessed and provided mitigation for potential environmental impacts to biological resources such that no subsequent CEQA document is required.

Pursuant to Section 15073.5 of the State CEQA Guidelines, a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given.

According to Section 15073.5(b), a “substantial revision” means:

1. A new, avoidable significant effect is identified and mitigation measures and project revisions must be added in order to reduce the effect to insignificance, or
2. The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

Section 15073.5(c) further states recirculation is not required when mitigation measures are replaced by equal or more effective measures, new project revisions are added in response to written or verbal comments on the project’s effects which are not new avoidable significant impacts, and when new information is added to the which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

As detailed on pages 19 and 20 of the IS/MND, the entire project site (which includes the bermed artificial basin) was surveyed for the *General Habitat Assessment* in October 2009 and the *Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation* performed in January of 2010 by Ecological Sciences, Inc. (Eco Sci). Both of these studies were included as appendices to the IS/MND. Mitigation was required to reduce potential impacts to biological resources. Page 20 specifically states:

The proposed project alignment does not contain evidence of any natural stream courses, riparian areas, or vernal pools. A small basin is located in the northeast portion of the site within Pat’s Ranch Road and receives runoff from adjacent residential development. The bermed-artificial basin would not be considered a vernal pool pursuant to 6.1.2 of the MSHCP. Riparian/riverine areas and vernal pools are defined in Section 6.1.2 of the MSHCP. Areas that are artificially created are not included in these definitions. The features on site do not meet the definition of riparian/riverine areas and vernal pools

under the MSHCP. The site does not contain suitable habitat for species associated with Section 6.1.2 habitat types.

Furthermore, page 19 states:

no special status plant species or habitat was detected on site during the surveys and none are expected due to the lack of suitable habitat. No special status wildlife species were directly observed on site, although several species not observed during the survey effort have a moderate occurrence potential including white-tailed kite, northern harrier, prairie falcon, western burrowing owl, California horned lark, and loggerhead shrike.

Below on page 19 it states:

Although no native habitat types are present, and no listed species (currently protected by state or federal endangered species acts) are expected to occur due to absence of suitable habitat, implementation of mitigation measure **MM Bio 1** is required to ensure potential impacts to certain special status species (California horned lark and loggerhead shrike) that may nest on site are reduced to less than significant levels.

**MM Bio 1:** A pre-construction presence/absence survey for California horned lark and loggerhead shrike within suitable habitat shall be conducted. Surveys will be conducted within 30 days prior to disturbance. Take of active nests shall be avoided.

On page 19 it also states that:

A habitat assessment for the burrowing owl was conducted in October 2009. No direct burrowing owl observations or sign were recorded during the habitat assessment however potential nesting/foraging habitat for the burrowing owl is present and the site could be occupied by burrowing owl at anytime of the year (moderate occurrence potential). A focused survey was conducted in March 2010 and no direct burrowing owl observations or sign (pellets, fecal material, or prey remains) were recorded on site. However, because the burrowing owl is well known to occur in the site vicinity it may utilize portions of the site during various times of the year, in particular if the site is left fallow following site discing. Implementation of mitigation measure **MM Bio 2** is required to ensure potential impacts to burrowing owl are reduced to less than significant levels.

**MM Bio 2:** A pre-construction presence/absence survey for burrowing owl within suitable habitat shall be conducted. Surveys will be conducted within 30 days prior to disturbance. Take of active nests shall be avoided. Passive relocation (use of one way doors and collapse of burrows) will occur when owls are present outside the nesting season.

*A Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation* was conducted by Eco Sci in January 2010 (Appendix B.3 of the IS/MND) to evaluate the potential presence of jurisdictional resources on the project site. Staff at U.S Army Corps of Engineers (ACOE) and the California Regional Water Quality Control Board (RWQCB) was contacted by staff at Eco Sci to determine if any resources on the project site would be regulated by ACOE or RWQCB. Page 20 of the IS/MND states:



...U.S. Army Corps of Engineers (ACOE) staff determined there are no waters of the U.S. on the project site. California Regional Water Quality Control Board (RWQCB) staff declined to regulate discharge of fill into waters of the State described in the Jurisdictional Survey (RWQCB JD). Development of the proposed project will not require permits from either the ACOE for jurisdictional waters regulated under Section 404 of the Clean Water Act or the RWQCB through discharges of fill into waters of the U.S. regulated by Section 401 of the Clean Water Act.

Regarding mitigation for potential loss of CDFG jurisdictional resources, page 20 states:

The proposed project site contains an on-site swale feature and a basin both of which were evaluated for jurisdiction under CDFG. The on-site swale feature does not appear to function as a stream and does not convey significant runoff. As a result of recurring discing activities, any definable bed and bank has been eliminated within the southern and northern portions of the swale. Because this on-site swale feature loses definition, which apparently results in sheet flow over land without bed and bank, the swale feature may not be considered jurisdictional by CDFG. Habitat value is low due to the absence of riparian vegetation, lack of species and structural diversity, and prevalence of non-native vegetation due to various anthropogenic disturbances (e.g., long-standing and recurring discing). The swale or erosional feature does not support fish and/or aquatic life. Moreover, because water to the basin appears to be primarily provided by residential activities (urban runoff water), is artificial, created from upland, and is not directly connected to a natural waterway, the basin may also not be considered jurisdictional by CDFG. However, because the on-site features may have the potential to be considered jurisdictional by CDFG, **MM Bio 3**, below, will be required to ensure any adverse impacts to resources under CDFG jurisdiction are reduced to a less than significant level.

During the October 2009 and January 2010 field work conducted by Eco Sci, potential CDFG jurisdictional area was estimated in the bermed artificial basin and the wet area surrounding the artificial basin to be 0.65 acres. The above discussion and **MM Bio 3** were included in the IS/MND that was circulated for review because CDFG staff had been consulted but not yet made a determination on whether or not the features on site fall under their jurisdiction and would require a permit for project implementation. Mitigation measure **MM Bio 3** was included, to be conservative, in the instance that the features were subsequently determined to be CDFG jurisdictional.

Staff at Eco Sci contacted CDFG staff for consultation and determination if the potentially jurisdictional features on the site would be regulated by CDFG. CDFG staff responded via email to Eco Sci in August 2010 indicating that due to CDFG current workload, budget, and staffing, CDFG could not provide consultation and that a formal Streambed Alteration Agreement (SAA) application would need to be submitted.

Eco Sci submitted an SAA application to CDFG in September 2010. On March 21, 2011, CDFG sent notification to the District that they may complete the project as described in the SAA application without an agreement. See Response to CDFG Comment 5, below, for further discussion of mitigation associated with the SAA.

Although implementation of the project will not require a SAA from CDFG, the District shall secure off-site habitat that, at a minimum, is biologically equivalent to the habitat on-site to

ensure that impacts to habitat will be reduced to less than significant levels. Therefore, **MM Bio 3** shall be revised as follows:

**MM Bio 3:** To mitigate permanent impacts to 0.65 acres of on-site habitat, the District shall secure 0.65 acre of off-site habitat that is at a minimum biologically equivalent. ~~If it is determined by CDFG that the features on site fall under their jurisdiction, a project 1602 Streambed Alteration Agreement prepared in accordance with CDFG requirements shall be secured by the District and shall include mitigation measures that are sufficient to reduce impacts to streambeds regulated by CDFG to a level below significant. The Agreement may include some or all of the following:~~

- ~~• Avoid impacts where possible by shifting the project location or construction timing.~~
- ~~• Minimize impacts.~~
- ~~• Remove invasive species.~~
- ~~• Purchase off-site habitat credits.~~
- ~~• Create and/or restore natural communities.~~
- ~~• Avoid sensitive habitats by placing construction staging areas as far away from them as is feasible.~~

Therefore, the IS/MND adequately addressed potential environmental impacts, provided appropriate mitigation to adequately reduce potential impacts to sensitive species and habitat to less than significant levels, and does not require recirculation in accordance with State CEQA Guidelines Section 15073.5.

## CDFG Comment 2

### Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions. The Department has determined that the MND does not adequately address impacts and mitigation to jurisdictional resources

The Department recommends that the Lead Agency clarify the issues raised below and address these comments in a subsequent CEQA document.

1. A biological survey of the on-site basin, impact analysis and mitigation measures for project impacts to the basin;
2. A detailed jurisdictional delineation of State Waters to identify and analyze direct, indirect, temporary and permanent impacts, including areas of inundation adjacent to these resources;
3. Mitigation measures or project changes to offset the loss of riparian and jurisdictional resources;
4. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
5. A discussion of the necessity for the project as regards a flooding problem;
6. Surveys for Narrow Endemic plants at the appropriate time of year; and,
7. Issuance of a subsequent CEQA document to address the Department's concerns and recommendations.

### Response to CDFG Comment 2

As identified in Response to CDFG Comment 1, above, a recirculated CEQA document (IS/MND) does not need to be prepared. The following discussion provides clarification of the seven issues raised by CDFG that do not require recirculation of the IS/MND, according to State CEQA Guidelines Section 15073.5.

Regarding CDFG Comment 2, issue #1-4, as outlined in Response to CDFG Comment 1 above, the entire project site (which includes the bermed artificial basin) was surveyed for the *General Habitat Assessment* in October 2009 and the *Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation* performed in January of 2010 by Ecological Sciences, Inc. (Eco Sci). Both of these studies were included as appendices to the IS/MND. Mitigation was required to reduce potential impacts to biological resources. Therefore, the biological surveys, as required by the MSHCP were completed for the project site including the on-site basin. An impact analysis and mitigation measures were included in the IS/MND. And although a Notification of Lake or Streambed Alteration Agreement was prepared and submitted to CDFG, a Streambed Alteration Agreement is not required for this project.

In response to CDFG issue #5 above, the proposed project is a plan to develop the Stage 2 portion of the Day Creek Master Drainage Plan Line J storm drain facility. Master Drainage Plans (MDPs) address the current and future drainage needs of a given community. The boundary of the MDP usually follows regional watershed limits. MDPs are prepared for a variety of purposes, including, but not limited to:

- 1) Identify solutions to existing flood hazards; and
- 2) Provide a guide to orderly development of the MDP area; and
- 3) Provide an estimate of costs to resolve flooding issues within a community; and
- 4) Establish area drainage plan (ADP) fees, which will offset taxpayer costs for proposed drainage facilities.

The purpose for the project is described on pages 6 and 7 of the IS/MND and states “The project will alleviate flooding adjacent to the project area.” and:

Currently, Line J is constructed from the Bellegrave Basin, at the southwest corner of Bellegrave Avenue and Wineville Avenue, southerly to the Limonite Avenue/Pats Ranch Road intersection. From here, Line J runs within Pats Ranch Road discharging into a “pond-like” area on the western side of the road directly across from Limonite Meadows Park. Additionally, flows from the development on the east side of the road are currently discharged into this area where they confluence with Line J flows.

Therefore, the proposed project will alleviate the existing flooding issue and provides the drainage infrastructure identified in the Day Creek Master Drainage Plan.

Response to CDFG issue #6 is elaborated on in Response to CDFG Comment 3, below, which states that the *General Habitat Assessment* was conducted in compliance with Section 6.1.3, *Protection of Narrow Endemic Plant Species*, of the MSHCP and that the lack of suitable habitat is the reason that additional focused surveys are not required.

Response to CDFG issue #7 is addressed in Response to CDFG Comment 1 which states why a recirculated CEQA document is not required.

### CDFG Comment 3

#### Biological Resources

A general habitat assessment was conducted in October 2009, primarily for burrowing owl. The general habitat assessment was conducted outside of the flowering period for the narrow endemic plants (Brand's phacelia, San Miguel savory and San Diego ambrosia). Animals that have a moderate potential to occur on the site include white-tailed kite, northern harrier, burrowing owl, California horned lark and loggerhead shrike. The MND states that these narrow endemics are not likely to be found on site because of the level of disturbance. However, the basin and associated inundation area should be surveyed for these plants, as well as animals associated with this habitat.

The Habitat Assessment states that burrowing owl did not occur on site, although pre-construction surveys will have to be conducted in compliance with the MSHCP guidelines.

The project site has been utilized for agriculture and has been routinely been cleared of vegetation. The habitat assessment states that the Narrow Endemic plants were not likely to be found on site because of the ongoing disturbance.

### Response to CDFG Comment 3

A *General Habitat Assessment* for narrow endemic plants and burrowing owl (which can be performed any time of year) was performed by Eco Sci. in October 2009 (Appendix B.1 of the IS/MND). A separate *Focused Western Burrowing Owl Survey* was conducted by Eco Sci in March 2010 (Appendix B.2 of the IS/MND). During that *General Habitat Assessment*, it was observed that the area did not contain suitable habitat for *Brand's Phacelia*, *San Miguel Savory*, or *San Diego Ambrosia*. Pursuant to MSHCP Section 6.1.3, *Protection of Narrow Endemic Plant Species*, the entire project area does not contain suitable habitat; therefore, a blooming period focused survey is not required.

## CDFG Comment 4

### Streambed Alteration Agreements and CEQA

The site contains four possible jurisdictional areas: a wet area surrounding an artificial basin, an artificial basin, a discontinuous channel and a swale area associated with the channel. A jurisdictional survey was conducted in January 2010. The project is within the Day Creek Watershed adjacent to the Interstate 15. The proposed box channel will connect with an existing box channel that eventually empties into the Santa Ana River.

Storm water flows from residential development flows into the basin via two culverts. The basin supports a dense stand of willow, mule fat and cat tail. A breach in the detention basin allows water to flow into a broad swale that trends to the south/southwest. The swale is routinely disc'd but remains a definable feature that carries flow during rainfall events. The area adjacent to the north of the basin also contains cattail.

The MND does not contain an impacts analysis of the project on State jurisdictional resources and does include mitigation measures to offset those impacts. The MND does state that a variety of mitigation measures may be required by the Department during the 1600 Lake and Streambed Alteration Agreement process.

### Response to CDFG Comment 4

As outlined in Response to CDFG Comment 1, above, page 20 of the IS/MND summarizes the findings of the *Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation* prepared for the project describing the potential jurisdictional areas (the artificial basin, the swale feature and erosional feature). The IS/MND provided mitigation measure **MM Bio 3** to ensure any adverse impacts to resources IF under the jurisdiction of CDFG are less than significant. Additionally, all four areas of potential CDFG jurisdiction were described in the *Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation* on page 17 which states: "the wet basin and seasonally inundated areas would be considered "wetlands" and the swale/erosional feature may be considered non-wetland "waters of the United States"...per Section 1600-1603 of the California Fish and Game Code." Therefore, the IS/MND identified the potentially jurisdictional features onsite that could be affected by project implementation and outlined appropriate mitigation.

An additional memo report was prepared by Eco Sci in March 2011 to outline the acreages of impacts to potentially jurisdictional features, if deemed as such by CDFG, as identified and described in the *Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation*. As stated on pages 1 and 2 of the March 2011 memo report:

The State of California regulates water resources under Section 1601-1603 of the California Fish and Game Code. These regulations cover "...any project which will divert, obstruct or change the natural flow or bed, channel or bank of any river, stream or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit..." (California Fish and Game Code, Section 1601). The CDFG considers most drainages to be "streambeds" unless it can be demonstrated otherwise. A stream is defined as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes water course having a surface or

subsurface flow that supports or has supported riparian vegetation” (California State Register No. 87, no.9, Section 1.72). Water features such as regional swales, where a defined bed and bank are absent and the subject feature is not contiguous or adjacent to other jurisdictional features, are generally not considered to occur within state jurisdiction. The state generally does not assert jurisdiction over artificial water bodies, unless they are located where natural features were previously located or where they are contiguous with existing or prior natural jurisdictional areas (e.g., blue-line streams-no blue-line features mapped for site). Please note that RWQCB called this an artificial feature (abandoned dairy wastewater contaminant feature). CDFG does not have authority over isolated wetlands. Please also note that USACE indicated that this area was isolated. CDFG regulates wetland areas only to the extent that those areas are part of a river, stream, or lake as defined by CDFG.

CDFG has not defined wetlands for jurisdictional purposes. CDFG generally includes, within the jurisdictional limits of streams and lakes, any riparian habitat present. Riparian habitat includes willows and other vegetation typically associated with the banks of a stream or lake shoreline. In most situations, wetlands associated with a stream or lake would fall within the limits of riparian habitat...Wetlands not associated with a lake, stream or other regulated areas are generally not subject to CDFG jurisdiction.

As indicated on page 2 of the memo report, the site total (areas located both inside and outside project footprint) of all riparian vegetation and potential CDFG jurisdiction was estimated at 0.65 acre. As the project will convey storm water flows in storm drain improvements across the site it will not continue to pond as it does currently and support the riparian vegetation. Therefore, the project will result in direct and indirect impacts to approximately 0.65 acre of habitat on site. Mitigation measure **MM Bio 3**, as revised in Response to CDFG Comment 1 above, mitigates for these project impacts.

#### **CDFG Comment 5**

It appears that the purpose of the project is to remove the basin and channel so that the area can be developed. The MND states that the channel from the basin does not have a definable bed, bank or channel because of ongoing discing activities. However, Figure 2 of the MND is an aerial that shows there is a definable feature which is indicated in Plate 4 as a discontinuous erosional channel. In addition, the project description does not include elimination of the basin, but Figure 2 of the MND shows the proposed box channel connecting with the culverts that feed the basin.

The CEQA document states that impacts to jurisdictional waters of the state will be mitigated by the Department in connection with a 1600 Lake and Streambed Alteration Agreement

notification to the Department. The Department does not believe that this is mitigation as defined in Section 15370 of CEQA.

The CEQA document does not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments. For these reasons, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document.

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

#### **Response to CDFG Comment 5**

The comment incorrectly states the purpose of the project. As stated in Response to CDFG Comment 2, above, the purpose of the project is to alleviate flooding adjacent to the project area (IS/MND, p. 6) and was identified in the Day Creek MDP for this purpose.

Figure 2 of the IS/MND is an aerial that does appear to show a linear feature crossing the site that has less vegetation than the surrounding area; however, the figures provided in Plates 4a – 4d of the jurisdictional survey more clearly show the site features at a closer distance indicating that there is a discontinuous erosional feature that is not connected to the basin or anything further downstream (i.e. north and south of the erosional feature displays sheet flow). This is summarized on page 20 of the IS/MND and is described in the *Jurisdictional Survey and MSHCP Riparian/Riverine/Vernal Pools Evaluation*. It is important to note that the RWQCB indicated in their jurisdictional determination letter (Appendix B.5) that the basin was located on a former dairy facility that was composed of a low dike to contain dairy wastewater. RWQCB goes on to state that “Much of the dike remains to date and currently detains runoff from storm drain outfalls serving new development. A portion of the dike has been breached, allowing runoff to discharge to the western adjacent parcel in the survey area.”

The project description does not include removal of the artificial basin because it is not a part of the project. The project includes the construction of a confined storm drain that will connect to the existing upstream portion of Line J. Portions of the basin will be disturbed; however, portions of the basin and seasonally inundated area north of the basin would not be.

In the instance that the onsite features qualified as under CDFG jurisdiction, **MM Bio 3** in the IS/MND provided several options to mitigate any impacts. As outlined in Response to CDFG Comment 1, a SAA application was filed with CDFG in September 2010 to determine the extent of CDFG jurisdiction. However, in March 2011 CDFG sent notification to the District that they may complete the project as described in the SAA application without an agreement. Although a



SAA is not required, mitigation measure **MM Bio 3** is being revised as outlined above to mitigate impacts to the loss of habitat.

Neither the California Fish and Game Code Section 1602 nor the *State of California Department of Fish and Game Notification of Lake or Streambed Alteration, Notification Process and Instructions* (Rev. 07/06), available at <http://www.dfg.ca.gov/habcon/1600/forms.html> mandates a specific replacement-to-impact ratio. As the habitat was artificially created in an upland area, is isolated from other riparian habitat or streams, and does not provide live-in habitat for sensitive species associated with riparian habitat, a 1:1 mitigation ratio is proposed.

#### **CDFG Comment 6**

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA 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 measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action,
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
- 5) Compensating for the impact by replacing or providing substitute resources or environments.

In the absence of specific mitigation measures in the CEQA documents, 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 deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

**Response to CDFG Comment 6**

Refer to Response to CDFG Comment 1, above, a SAA application was submitted to CDFG in September 2010. On March 21, 2011, CDFG sent notification to the District that they may complete the project as described in the SAA application without an agreement. As outlined in Response to CDFG Comments above, the IS/MND and supporting reports did identify and describe the potentially jurisdictional features on site that could be impacted by implementation of the proposed project. The IS/MND identified mitigation to reduce potential impacts to less than significant levels.

All reasonable actions have been taken by the District to ensure appropriate mitigation is included and made available to the public for review and comment; the public has not been deprived of its right to know and no violation of Section 15002 of the State CEQA Guidelines has occurred.

## **Response to Comment Letter from Department of Transportation, Dated February 1, 2011**

The California Department of Transportation (DOT) provided comments regarding the Day Creek Master Drainage Plan Line J – Stage 2 Project in its letter dated February 1, 2011. The following discussion provides a response to the comment contained in that letter.

### **DOT Comment 1**

We do not anticipate this project will generate any additional traffic to the SHS. However, an Encroachment Permit is needed when project construction is within, under, or over the State Highway Right of Way.

#### **Permit Requirements:**

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits  
Department of Transportation  
464 West 4<sup>th</sup> Street, 6<sup>th</sup> Floor, MS-619  
San Bernardino, CA 92401-1400  
(909) 383-4526

### **Response to DOT Comment 1**

Comment noted. As indicated on page 7 of the IS/MND, an encroachment permit is required and will be obtained by the District through coordination with DOT.

## **Response to Comment Letter from Governor's Office of Planning and Research, Dated February 28, 2011**

The Governor's Office of Planning and Research (OPR) provided comments regarding the Day Creek MDP Line J – Stage 2 Project in its letter dated February 28, 2011. The following discussion provides a response to the comments contained in that letter.

### **OPR Comment 1**

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on February 25, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

### **Response to OPR Comment 1**

The State Clearinghouse acknowledges that the District has complied with review requirements pursuant to CEQA for this project. No further response is necessary.

**Response to Comment Letter from the Pala Band of Mission Indians  
Historic Preservation Office,  
Dated February 4, 2011**

The Pala Band of Mission Indians Historic Preservation Office (Pala) provided comments regarding the Day Creek Master Drainage Plan Line J – Stage 2 Project in its letter dated February 4, 2011. The following discussion provides a response to the comments contained in that letter.

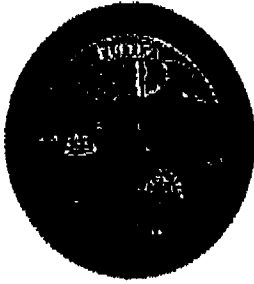
**Pala Comment 1**

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

**Response to Pala Comment 1**

The Pala Band of Mission Indians acknowledges that the project site is not within the boundaries of the recognized Pala Indian Reservation. No further response is necessary.

## **Comment Letters Received**



# FAX COVER PAGE

Department of Fish and Game  
Inland Deserts Region (Region 6)  
Habitat Conservation  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
(909) 484-0459  
(909) 481-2945 - FAX

To: KRIS FLANIGAN

Date: 2-24-2011

Fax Number: 951-684-8409

No. of pages being faxed: 5

From: ROBIN / CDFG

Comments: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
<http://www.dfg.ca.gov>  
Inland Deserts Region  
3802 Inland Empire Blvd., Suite C-200  
Ontario, CA 91764  
(909) 484-0167

JERRY BROWN, Governor  
JOHN MCCAMMAN, Director



February 24, 2011

Mr. Kris Flanigan  
Riverside County Flood Control and  
Water Conservation District  
1995 Market Street  
Riverside, CA 92501

Re: Mitigated Negative Declaration for the Day Creek Master Drainage Plan Line J – Stage 2  
Riverside County -- SCH # 2011011078

Dear Mr. Flanigan:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Mitigated Negative Declaration (MND) for the Day Creek Master Drainage Plan Line J – Stage 2. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the unincorporated area of Mira Loma and is bounded on the north by Limonite Ave., on the south by 68<sup>th</sup> St., on the west by residential development and on the east by Pats Ranch Rd.

The proposed project consists of the construction and maintenance of a subsurface drainage facility that will convey storm water flow from the project area to an existing box culvert. Temporary inlets will be placed at low points to collect nuisance flows. These inlets are planned for removal as development of the site occurs. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide reinforced concrete box (RC) culvert that crosses underneath 68<sup>th</sup> Street. Line J will extend from this connection at 68<sup>th</sup> street 1,930 linear feet where it will connect to an existing upstream portion of Line J on the west side of Pats Ranch Road.

*Conserving California's Wildlife Since 1870*



Mitigated Negative Declaration for the Day Creek Master Drainage Plan Line J-Stage 2  
County of Riverside -- SCH 2011011078  
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The Department believes that the CEQA document does not adequately assess environmental impacts and mitigation and recommends that a subsequent CEQA document [MND] that addresses the recommendations in this letter be circulated.

#### MSHCP

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits.

The site is located within the Eastvale Plan Area of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The site is not within any MSHCP Criteria Cells. The site is within a Narrow Endemic Plant Area (Brand's phacelia, San Miguel Savory and San Diego ambrosia) and a MSHCP Additional Survey Needs and Procedures Area.

#### Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinstate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions. The Department has determined that the MND does not adequately address impacts and mitigation to jurisdictional resources.

The Department recommends that the Lead Agency clarify the issues raised below and address these comments in a subsequent CEQA document.

1. A biological survey of the on-site basin, impact analysis and mitigation measures for project impacts to the basin;
2. A detailed jurisdictional delineation of State Waters to identify and analyze direct, indirect, temporary and permanent impacts, including areas of inundation adjacent to these resources;
3. Mitigation measures or project changes to offset the loss of riparian and jurisdictional resources;
4. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
5. A discussion of the necessity for the project as regards a flooding problem;
6. Surveys for Narrow Endemic plants at the appropriate time of year; and,
7. Issuance of a subsequent CEQA document to address the Department's concerns and recommendations.

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### Biological Resources

A general habitat assessment was conducted in October 2009, primarily for burrowing owl. The general habitat assessment was conducted outside of the flowering period for the narrow endemic plants (Brand's phacelia, San Miguel savory and San Diego ambrosia). Animals that have a moderate potential to occur on the site include white-tailed kite, northern harrier, burrowing owl, California horned lark and loggerhead shrike. The MND states that these narrow endemics are not likely to be found on site because of the level of disturbance. However, the basin and associated inundation area should be surveyed for these plants, as well as animals associated with this habitat.

The Habitat Assessment states that burrowing owl did not occur on site, although pre-construction surveys will have to be conducted in compliance with the MSHCP guidelines.

The project site has been utilized for agriculture and has been routinely been cleared of vegetation. The habitat assessment states that the Narrow Endemic plants were not likely to be found on site because of the ongoing disturbance.

### Streambed Alteration Agreements and CEQA

The site contains four possible jurisdictional areas: a wet area surrounding an artificial basin, an artificial basin, a discontinuous channel and a swale area associated with the channel. A jurisdictional survey was conducted in January 2010. The project is within the Day Creek Watershed adjacent to the Interstate 15. The proposed box channel will connect with an existing box channel that eventually empties into the Santa Ana River.

Storm water flows from residential development flows into the basin via two culverts. The basin supports a dense stand of willow, mule fat and cat tail. A breach in the detention basin allows water to flow into a broad swale that trends to the south/southwest. The swale is routinely disced but remains a definable feature that carries flow during rainfall events. The area adjacent to the north of the basin also contains cattail.

The MND does not contain an impacts analysis of the project on State jurisdictional resources and does include mitigation measures to offset those impacts. The MND does state that a variety of mitigation measures may be required by the Department during the 1600 Lake and Streambed Alteration Agreement process.

It appears that the purpose of the project is to remove the basin and channel so that the area can be developed. The MND states that the channel from the basin does not have a definable bed, bank or channel because of ongoing discing activities. However, Figure 2 of the MND is an aerial that shows there is a definable feature which is indicated in Plate 4 as a discontinuous erosional channel. In addition, the project description does not include elimination of the basin, but Figure 2 of the MND shows the proposed box channel connecting with the culverts that feed the basin.

The CEQA document states that impacts to jurisdictional waters of the state will be mitigated by the Department in connection with a 1600 Lake and Streambed Alteration Agreement

Mitigated Negative Declaration for the Day Creek Master Drainage Plan Line J-Stage 2  
County of Riverside -- SCH 2011011078  
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notification to the Department. The Department does not believe that this is mitigation as defined in Section 15370 of CEQA.

The CEQA document does not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments. For these reasons, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document.

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA 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 measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action,
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
- 5) Compensating for the impact by replacing or providing substitute resources or environments.

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In the absence of specific mitigation measures in the CEQA documents, 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 deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Handwritten signature of Robin Maloney-Rames in black ink.

for Jeff Brandt  
Senior Environmental Scientist

TRANSMISSION VERIFICATION REPORT

TIME : 02/24/2011 03:49  
NAME :  
FAX :  
TEL :  
SER. # : BROM3J946608

DATE, TIME	02/24 03:48
FAX NO./NAME	17148716433
DURATION	00:00:57
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING

464 WEST 4<sup>th</sup> STREET, 6<sup>th</sup> Floor MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-6890

TTY (909) 383-6300

*Flex your power!  
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FEB 03 2011RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

February 1, 2011

Kris Flanigan  
Senior Civil Engineer  
Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, CA 92501

Day Creek Master Drainage Plan Line J – Stage 2. Riv-15-PM 47.546

Dear Ms. Flanigan,

We have completed our review for the above noted project which is located east of Interstate 15 (I-15), south of Limonite Avenue, north of 68<sup>th</sup> Avenue, and west of Wineville Avenue in the unincorporated Mira Loma Area in Riverside County.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

We do not anticipate this project will generate any additional traffic to the SHS. However, an Encroachment Permit is needed when project construction is within, under, or over the State Highway Right of Way.

Permit Requirements:

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Ms. Flanigan  
February 1, 2011  
Page 2

Office of Encroachment Permits  
Department of Transportation  
464 West 4<sup>th</sup> Street, 6<sup>th</sup> Floor, MS-619  
San Bernardino, CA 92401-1400  
(909) 383-4526

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Joe Shaer at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Kopulsky", written over a horizontal line.

DANIEL KOPULSKY  
Office Chief  
Community Planning/IGR-CEQA



JERRY BROWN  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



February 28, 2011

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MAR 07 2011

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

Kris Flanigan  
Riverside County Flood Control and Water Conservation Dist  
1995 Market Street  
Riverside, CA 92501

Subject: Day Creek MDP Line J - Stage 2  
SCH#: 2011011078

Dear Kris Flanigan:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on February 25, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2011011078  
**Project Title** Day Creek MDP Line J - Stage 2  
**Lead Agency** Riverside County Flood Control and Water Conservation

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**Type** MND Mitigated Negative Declaration  
**Description** The proposed project is a plan to develop the Stage 2 portion of the Day Creek Master Drainage Plan Line J storm drain facility. The project consists of a facility construction and subsequent maintenance of approximately 1,930 linear feet of 6-foot high by 12-foot wide Reinforced Concrete Box (RCB) culvert. The downstream end of Line J, Stage 2 will connect to an existing 6-foot high by 12-foot wide RCB culvert that crosses underneath 68th Street near the northeast corner of the intersection of 68th Street and I-15. From the connection at 68th Street, Line J extends northerly where it connects to an existing upstream portion of Line J on the westerly side of Pats Ranch Road. Line J, Stage 2 will be closed conduit constructed below the earth's surface (existing or proposed) and will be installed using typical trenching methods.

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**Lead Agency Contact**

**Name** Kris Flanigan  
**Agency** Riverside County Flood Control and Water Conservation Dist  
**Phone** (951)955-8581 **Fax**  
**email**  
**Address** 1995 Market Street  
**City** Riverside **State** CA **Zip** 92501

---

**Project Location**

**County** Riverside  
**City**  
**Region**  
**Lat / Long** 33° 58' 01" N / 117° 32' 50" W  
**Cross Streets** 68th Street & Pats Ranch Road  
**Parcel No.** 152-020-012; -630-027; -640-003  
**Township** 2S **Range** 6W **Section** 19 **Base** SBB&M

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**Proximity to:**

**Highways** I-15  
**Airports** No  
**Railways** No  
**Waterways** Santa Ana River  
**Schools** Several Elementary  
**Land Use** Presently vacant; General Plan Disgnation - Light Industrial & Public Facilities; Zoning - Heavy Agriculture & Industrial Park

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

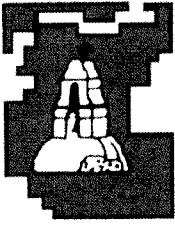
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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

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**Date Received** 01/27/2011 **Start of Review** 01/27/2011 **End of Review** 02/25/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.



**PALA BAND OF MISSION INDIANS**  
Tribal Historic Preservation Office  
35008 Pala Temecula Rd. PMB 445  
Pala, CA 92059

Ph: (760) 891-3591  
Fax: (760) 742-4543

**RECEIVED**  
FEB 09 2011

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

February 4, 2011

Kris Flanigan  
Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, Ca 92501

Re: Day Creek Master Drainage Plan Line J- Stage 2

Dear Ms. Flanigan.

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at [sgaughen@palatribe.com](mailto:sgaughen@palatribe.com).

Sincerely,

Shasta C. Gaughen, MA  
Tribal Historic Preservation Officer  
Pala Band of Mission Indians

**ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO SHASTA C. GAUGHEN AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.**