

FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS
DATE 3/18/15

Departmental Concurrence

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

209B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
March 10, 2015

SUBJECT: Public Hearing for the Lakeland Village Master Drainage Plan, Certify Final Programmatic EIR (SCH#2011091017), Adopt Resolution No. 2015-09 for the Lakeland Village Master Drainage Plan, Approve Lakeland Village Master Drainage Plan, Project No. 3-0-00830, District 1 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Certify Final Programmatic Environmental Impact Report (SCH#2011091017) in compliance with CEQA;
2. Adopt Resolution No. 2015-09 for the Lakeland Village Master Drainage Plan;
3. Authorize the District to proceed with Lakeland Village Master Drainage Plan; and
4. Direct the Clerk of the Board to file the Notice of Determination with the County Clerk and the Office of Planning and Research within five (5) days of Project approval.

BACKGROUND:

Summary

Continued on Next Page

JDS:rlp:mcv
P8\167244

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS:

Budget Adjustment: N/A
For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:

Steven C. Horn

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

Ayes: Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Disqualify: Jeffries
Date: March 10, 2015
xc: Flood, Recorder

Kecia Harper-Ihem
Clerk of the Board

BY:

Deputy

Prev. Agn. Ref.: 11-9 of 01/06/15

District: 1st

Agenda Number:

11-8

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

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

FORM 11: Public Hearing for the Lakeland Village Master Drainage Plan, Certify Final Programmatic EIR (SCH#2011091017), Adopt Resolution No. 2015-09 for the Lakeland Village Master Drainage Plan, Approve Lakeland Village Master Drainage Plan, Project No. 3-0-00830, District 1 [\$0]

DATE: March 10, 2015

PAGE: Page 2 of 2

BACKGROUND:

Summary

The District proposes to adopt the Lakeland Village Master Drainage Plan (MDP). The MDP sought to address the following objectives, based on concerns in the Lakeland Village area:

- Reduce the level of risk from flooding and debris flows to existing/future development and infrastructure to below the 100-year level.
- Provide all-weather access along Grand Avenue by conveying 100-year tributary flood flows below the traveled way.
- Provide a master drainage plan at the lowest construction and right-of-way acquisition cost.
- Economically manage debris to ensure that the 100-year design capacity of the proposed MDP facilities is maintained during major storm events.
- Consider, and where feasible, incorporate regional water quality facilities to mitigate for the impacts from existing development and to improve the water quality of Lake Elsinore.
- Avoid or minimize the impacts to environmentally sensitive areas.

The MDP was prepared in collaboration with several community groups including the Lakeland Village/Wildomar Project Area Committee, Lakeland Village Neighborhood Association and Lakeland Village Community Advisory Council who provided valuable input during the planning process. The community was instrumental in obtaining \$200,000 for the preparation of the MDP from the Redevelopment Agency for the County of Riverside.

The total cost of the recommended improvements, including construction, rights-of-way, engineering, administration and contingencies, is estimated to be **\$48,010,000**.

This hearing and associated programmatic EIR complies with the requirements of CEQA and Section 18 of the District Act. Pursuant to CEQA and the State CEQA Guidelines, a programmatic EIR has been prepared for the Project, which studied the physical environmental impacts related to the Lakeland Village Master Drainage Plan, as described in the attached Resolution No. 2015-09.

Impact on Residents and Businesses

N/A

ATTACHMENTS:

1. Resolution No. F2015-09
2. Certificates of Posting
3. Notice of Determination
4. Authorization to Bill for Notice of Determination Filing
5. Lakeland Village MDP Report (on CD)
6. Final Programmatic EIR for the Lakeland Village MDP (on CD)
7. Draft Programmatic EIR for the Lakeland Village MDP (on CD)
8. Appendices to the Draft Programmatic EIR for the Lakeland Village MDP (on CD)

BOARD OF SUPERVISORS**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION****DISTRICT****RESOLUTION NO. F2015-09**

**CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
LAKELAND VILLAGE MASTER DRAINAGE PLAN (SCH 2011091017),
ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, ADOPTING A MITIGATION MONITORING
AND REPORTING PROGRAM, ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS AND APPROVING THE
LAKELAND VILLAGE MASTER DRAINAGE PLAN**

WHEREAS, on January 6, 2015 the Board of Supervisors of the Riverside County Flood Control and Water Conservation District (hereinafter referred to as the "Board") adopted Resolution No. F2015-01, giving notice of its intention to approve the Lakeland Village Master Drainage Plan (MDP) (hereinafter referred to as the "Project") in the City of Lake Elsinore, City of Wildomar, and unincorporated Riverside County, California, and giving further notice that the Project will be considered at a public hearing on February 24, 2015; and

WHEREAS, notice of the public hearing was properly made by publication and posting as required by law; and

WHEREAS, on February 3, 2015 the Board adopted Agenda Item 3-2, Revision of 2015 Board of Supervisors Meeting Schedule, which added February 24, 2015 as a Board dark day and consequently required that the Project public hearing be moved to the next available Board date which is March 10, 2015; and

WHEREAS notice of the revised public hearing date was also properly made by publication and posting as required by law, and all persons desiring to be heard on the matter were given the opportunity to appear and present testimony, both oral and written; and

WHEREAS, pursuant to section 21067 of the California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 et seq.) and section 15367 of the State CEQA Guidelines (14

1 Cal. Code Regs. §15000 et seq.), the Riverside County Flood Control and Water Conservation
2 District (hereinafter referred to as the "District") is the lead agency for the Project; and

3 WHEREAS, the District solicited comments (including input about the scope and
4 content of the environmental review, as well as potential feasible alternatives and Mitigation
5 Measures) from responsible agencies, trustee agencies, and the public in a Notice of Preparation
6 (NOP) of a Draft Program Environmental Impact Report (hereinafter referred to as the
7 "DPEIR") for the Project, which was filed on September 6, 2011 and circulated for a period of
8 30 days pursuant to State CEQA Guidelines sections 15082(a) and 15375; and

10 WHEREAS, six (6) comment letters were received by the District in response to the
11 September 6, 2011 NOP, which assisted the District in refining the issues and alternatives for
12 analysis in the DPEIR; and

14 WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA
15 Guidelines sections 15082(c) and 15083, the District held a public scoping meeting on
16 September 28, 2011, to solicit public comments on the DPEIR for the Project; and

17 WHEREAS, in compliance with CEQA and the State CEQA Guidelines, the District
18 prepared a DPEIR to analyze the potential environmental effects of the Project; and

19 WHEREAS, the DPEIR was completed and released for public review on January 28,
20 2014, and the District initiated a 45-day public comment period by filing a Notice of
21 Completion and Availability with the State Clearinghouse and the Riverside County Assessor-
22 Clerk-Recorder's Office; and

24 WHEREAS, pursuant to Public Resources Code section 21092 and State CEQA
25 Guidelines section 15087, the District also provided a Notice of Availability to all organizations
26 and individuals who had previously requested such notice, and published the Notice of
27 Availability on January 28, 2014, in The Press Enterprise, a newspaper of general circulation in
28 the Project area; and

1 WHEREAS, during the 45-day comment period (January 28, 2014 to March 14, 2014),
2 the District consulted with, and requested comments from, responsible and trustee agencies,
3 other regulatory agencies and other interested parties pursuant to State CEQA Guidelines
4 section 15086; and

5 WHEREAS, during the official public review period for the DPEIR, the District
6 received seven (7) written comment letters; and

7
8 WHEREAS, pursuant to Public Resources Code section 21092.5 and State CEQA
9 Guidelines section 15088(b), the District provided each public agency that submitted comments
10 on the DPEIR with written responses to the agency's comments at least 10 days before
11 considering the Final Program Environmental Impact Report (hereinafter referred to as the
12 "FPEIR") for certification, on or about March 10, 2015; and

13
14 WHEREAS, pursuant to State CEQA Guidelines section 15132, the District released the
15 FPEIR, which consists of the DPEIR, a list of all agencies, organizations, and individuals who
16 commented on the DPEIR, comments received on the DPEIR, written responses to all
17 significant environmental issues raised in the review, consultation, and comment processes for
18 the DPEIR; and

19 WHEREAS, all potentially significant adverse environmental impacts of the Project
20 were analyzed in the FEIR; and

21
22 WHEREAS, as contained herein, the District has endeavored in good faith to set forth
23 the basis for its decision on the Project; and

24 WHEREAS, all requirements of the Public Resources Code, the State CEQA Guidelines,
25 and District CEQA implementing procedures have been satisfied in the FPEIR, which is
26 sufficiently detailed so that all of the potentially significant environmental effects of the Project,
27 as well as feasible alternatives and Mitigation Measures, have been adequately evaluated; and
28

1 WHEREAS, the FPEIR prepared in connection with the Project sufficiently analyzes
2 both the feasible Mitigation Measures necessary to avoid or substantially lessen the Project's
3 potential environmental impacts and a range of feasible alternatives capable of eliminating or
4 reducing these effects in accordance with the Public Resources Code and the State CEQA
5 Guidelines; and

6
7 WHEREAS, all of the findings and conclusions made by the Board pursuant to this
8 Resolution are based upon oral and written evidence presented to it as a whole and not based
9 solely on the information provided in this Resolution; and

10 WHEREAS, environmental impacts identified in the FPEIR that the District finds will
11 either have no impact or are less than significant and do not require mitigation are described in
12 Section III below; and

13
14 WHEREAS, the environmental impacts identified in the FPEIR as potentially significant
15 but which the District finds can be mitigated to a less than significant level through the
16 implementation of a broad range of Mitigation Measures identified in the Mitigation Monitoring
17 and Reporting Program are described in Section IV below; and

18
19 WHEREAS, environmental impacts identified in the FPEIR as potentially significant but
20 which the District finds may not be mitigated to a level of less than significant, despite the
21 imposition of all feasible Mitigation Measures identified in the FPEIR, are described in Section
22 V below; and

23
24 WHEREAS, the significant and less than significant cumulative environmental impacts
25 identified in the FPEIR are described in Section VI below; and

26
27 WHEREAS, growth-inducing impacts identified in the FPEIR are described in Section
28 VII below; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant
environmental impacts are described in Section VIII below; and

1 WHEREAS, the Board has determined that the benefits of the Project outweigh its
2 potential significant effects, and the basis for that determination is set forth in the Statement of
3 Overriding Considerations included in Section IX below; and

4 WHEREAS, the Mitigation Monitoring and Reporting Program sets forth the Mitigation
5 Measures that the District shall require as binding obligations in connection with any part of the
6 Project on land under District jurisdiction, is adopted in Section XI below, and is attached hereto
7 as Exhibit "A"; and

9 WHEREAS, prior to taking action, the Board has heard, been presented with, reviewed,
10 and considered all of the information and data in the administrative record, including the FPEIR,
11 and all oral and written evidence presented to it during all meetings and hearings; and

12 WHEREAS, the FEIR reflects the independent judgment of the Board and is deemed
13 adequate for purposes of making decisions on the merits of the Project; and

14 WHEREAS, the District has not received any comments or information that produced
15 substantial new information requiring recirculation Public Resources Code section 21092.1 and
16 State CEQA Guidelines section 15088.5; and

17 WHEREAS, all other legal prerequisites to the adoption of this Resolution have
18 occurred; and

19 WHEREAS, a FPEIR was prepared in accordance with CEQA and the District's Rules to
20 Implement the Act; and

21 WHEREAS, the FPEIR thoroughly addresses the environmental effects of implementing
22 the Project, including the construction, operation and maintenance of the various improvements
23 identified therein; and

24 WHEREAS, the Board has considered four (4) Alternatives set forth in the FPEIR, and
25 the Board has selected the Project for approval; and

WHEREAS, the Mitigation Measure Summary and the Mitigation Monitoring and Reporting Program, which are attached hereto as Exhibit "A" and incorporated herein by this reference, summarize the potential impacts of the Project and the Mitigation Measures to be incorporated therein; and

WHEREAS, the Board, acting as lead agency under CEQA hereby certifies that it has reviewed and considered the FPEIR, the Mitigation Measures and the Mitigation Monitoring and Reporting Program in evaluating the Project; and

WHEREAS, the FPEIR, the Mitigation Measures and the Mitigation Monitoring and Reporting Program are incorporated herein by this reference in their entirety; and

WHEREAS, the Project is consistent with the Western Riverside County Multiple Species Habitat Conservation Plan.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District, State of California, in regular session assembled on March 10, 2015, that:

SECTION I

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SECTION II

INTRODUCTION

A. *Project Description*

The District prepared a DPEIR for the implementation of the Lakeland Village Master Drainage Plan (MDP) Project. Implementation of the MDP consists of three separate components: Administration of the MDP, Future Construction of the MDP facilities, and Future Operations and Maintenance of the MDP facilities.

Administration of the MDP: The first component of the Project analyzed in the DPEIR consists of the preparation of and, ultimately, the adoption of the Project and its use as a long-range planning document. The MDP will be a guide for the alignment, type, size and cost of major existing and proposed MDP facilities within the watershed to address the current and future drainage needs of Lakeland Village and the surrounding area. The drainage boundary of the Project is drawn to include all of the watershed area that contributes to the drainage problems in the community. The MDP facilities would contain the 100-year flood discharge.

The MDP has a variety of planning uses. The MDP will be relied upon by not only the County of Riverside as it reviews and approves existing and proposed development in the Lakeland Village area, but if adopted, can be used by the City of Wildomar and City of Lake Elsinore as they review and approve new development. New development may be required to construct MDP facilities or set aside right of way for the future construction of the facilities. The local jurisdictions can also use the MDP to identify MDP facilities and costs for inclusion in capital improvement programs. Finally, the local jurisdictions can use the MDP to aid in long-range planning of other public infrastructure projects like roads or utility pipelines.

Future Construction of the MDP facilities: The second component of the Project that was analyzed in the DPEIR is the reasonably foreseeable impacts resulting from construction of the MDP facilities. Table 3.0-1 of the DPEIR lists the types of drainage improvements (i.e., new

1 facilities and upgrades to existing ones) proposed in the MDP; and Table 3.0-2 of the DPEIR
2 provides a detailed description of each of the individual MDP facilities.

3 The MDP identifies the approximate location, size and type of MDP facilities needed in
4 order to alleviate and control flooding in the Project boundary. The alignments and type of
5 facility depicted in the MDP can change as more detailed information becomes available during
6 the design process. For example, the locations of underground utilities, new development
7 patterns or the results of subsequent focused biological surveys may necessitate a shift in
8 alignment or change in facility type (i.e., concrete channel to underground pipe). To add to that
9 uncertainty, the construction of the MDP facilities will be completed in discrete phases over a
10 number of decades.
11

12 Despite this future environment of uncertainty and change, the DPEIR still identified the
13 general types of construction activities anticipated and the potential physical environmental
14 impacts associated with these activities. Subsequent CEQA analysis would continue to be
15 required when specific MDP facilities are proposed for construction in order to evaluate their
16 potential project-specific physical environmental impacts, but those future construction projects
17 would be able to tier from the PEIR. Actual construction of the MDP facilities may occur as a
18 result of conditions of approval on development projects or capital improvement projects
19 undertaken by the County of Riverside, City of Wildomar, City of Lake Elsinore, or the District.
20
21

22 **Future Operations and Maintenance of the MDP facilities:** The final component of
23 the Project analyzed in the DPEIR is the reasonably foreseeable impact of future operation and
24 maintenance activities. Once a facility is constructed, it will require maintenance in order to
25 retain flood control capacity. Following construction of the future MDP facilities, it is expected
26 that the District will operate and maintain all the MDP storm drains, channels and basins.
27

28 Maintenance of storm drains and concrete channels typically consists of keeping these
facilities and their side drains clear of debris and sediment, as well as repairing access roads and

1 fences. On rare occasions, major repairs may be required following damaging storm events.
2 Thus, major grading will not routinely occur while maintaining the underground storm drains
3 and open concrete channels. To maintain the constructed MDP facilities, the District will
4 occasionally use equipment similar to the types used to construct the proposed MDP facilities.

5 The routine maintenance of the channels and basins will likely require the following
6 activities: the removal of deposition, repair of eroded slopes, and reduction of fire hazard by
7 annual mowing and application of herbicides as well as the maintenance activities described in
8 the previous paragraph. Vegetation must be removed or mowed annually (or as necessary) to
9 provide the designed hydraulic capacity.
10

11 **B. *Legal Requirements***

12 Pursuant to Section 15091 of the State CEQA Guidelines, the District may only approve
13 or carry out a project for which an EIR has been completed that identifies any significant
14 environmental effects if the District makes one or more of the following written finding(s) for
15 each of those significant effects accompanied by a brief explanation of the rationale for each
16 finding:
17

- 18 1. Changes or alterations have been required in, or incorporated into, the project
19 which will avoid or substantially lessen the significant environmental impact as
20 identified in the EIR; or
21
- 22 2. Such changes or alterations are within the responsibility and jurisdiction of a public
23 agency other than the District, and such changes have been adopted by such other
24 agency, or can and should be adopted by such other agency; or
- 25 3. Specific economic, social, legal or other considerations make infeasible the
26 Mitigation Measures or project alternatives identified in the EIR.

27 Notably, Public Resources Code section 21002 requires an agency to "substantially
28 lessen or avoid" significant adverse environmental impacts. Thus, Mitigation Measures that

1 "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy
2 Section 21002's mandate. (Laurel Hills Homeowners Association v. City Council (1978)
3 83 Cal.App.3d 515, 521 ["CEQA does not mandate the choice of the environmentally best
4 feasible project if through the imposition of feasible Mitigation Measures alone the appropriate
5 public agency has reduced environmental damage from a project to an acceptable level"]; Las
6 Virgenes Homeowners Federation, Inc. v. County of Los Angeles (1986) 177 Cal. App. 3d 300,
7 309 ["[t]here is no requirement that adverse impacts of a project be avoided completely or
8 reduced to a level of insignificance... if such would render the project unfeasible"].

10 The Public Resources Code requires that lead agencies adopt feasible Mitigation
11 Measures or alternatives to substantially lessen or avoid significant environmental impacts. An
12 agency need not, however, adopt infeasible Mitigation Measures or alternatives. (State CEQA
13 Guidelines §15091(a), (b).) Public Resources Code section 21061.1 defines "feasible" to mean
14 "capable of being accomplished in a successful manner within a reasonable period of time,
15 taking into account economic, environmental, social, and technological factors." State CEQA
16 Guidelines section 15091 adds "legal" considerations as another indicia of feasibility. (See also
17 Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565.) Project
18 objectives also inform the determination of "feasibility". (City of Del Mar v. City of San Diego
19 (1982) 133 Cal.App.3d 401, 417.) "[F]easibility' under CEQA encompasses 'desirability' to the
20 extent that desirability is based on a reasonable balancing of the relevant economic,
21 environmental, social, and technological factors." (Id.; see also Sequoyah Hills Homeowners
22 Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.)

25 Environmental impacts that are less than significant do not require the imposition of
26 Mitigation Measures. (Leonoff v. Monterey County Board of Supervisors (1990) 222
27 Cal.App.3d 1337, 1347.)
28

1 The California Supreme Court has stated, "[t]he wisdom of approving... any
2 development project, a delicate task which requires a balancing of interests, is necessarily left to
3 the sound discretion of the local officials and their constituents who are responsible for such
4 decisions. The law as we interpret and apply it simply requires that those decisions be informed,
5 and therefore balanced". (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d
6 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not
7 required; rather, the requirement is that sufficient information be produced "to permit a
8 reasonable choice of alternatives so far as environmental aspects are concerned." Outside
9 agencies (including courts) are not to "impose unreasonable extremes or to interject
10 [themselves] within the area of discretion as to the choice of the action to be taken". (Residents
11 Ad Hoc Stadium Com. v. Board of Trustees (1979) 89 Cal.App.3d 274, 287.)

12
13
14 **C. *Summary of Environmental Findings***

15 This document contains the findings required under CEQA and the State CEQA
16 Guidelines. Public Resources Code section 21081.6 requires the District to prepare and adopt a
17 Mitigation Monitoring and Reporting Program for any project for which Mitigation Measures
18 have been imposed to assure compliance with the adopted Mitigation Measures. The District
19 adopts a Mitigation Monitoring and Reporting Program for the Project in Section XI of this
20 Resolution.

21
22 No comments made in the public hearing conducted by the Board or any additional
23 information submitted to the District has produced any significant new information requiring
24 recirculation or additional environmental review of the FPEIR under CEQA because no new
25 significant environmental impacts were identified, no substantial increase in the severity of any
26 environmental impacts would occur, and no feasible Mitigation Measures or Project alternatives
27 as defined in CEQA Guidelines section 15088.5 were rejected.
28

1 As more fully explained below, the Board has determined that based on all of the
2 evidence presented, including, but not limited to: the FPEIR; written and oral testimony given at
3 meetings and hearings; and submission of comments from the public, organizations, and
4 regulatory agencies; and the responses prepared to the public comments, the following
5 environmental impacts associated with the Project are:
6

7 **1. No Impact or Less than significant Impacts that Do Not Require Mitigation**

- 8 • Substantially Damage Scenic Resources within a State Scenic Highway
- 9 • New Sources of Light and Glare Adversely Affecting Views
- 10 • Convert Prime Farmland, Unique Farmland or Farmland of Statewide
11 Importance to Non-Agricultural Use
- 12 • Conflict with Zoning for Agricultural Use or with a Williamson Act Contract
- 13 • Convert or Indirectly Result in the Conversion of Farmland to Non-
14 Agricultural Use
- 15 • Conflict with Zoning for or Cause Rezoning of Forest Land, Timberland, or
16 land zoned Timberland Production
- 17 • Result in the Loss of Forest Land or Convert or Indirectly Result in the
18 Conversion of Forest Land to Non-Forest Use
- 19 • Conflict with or Obstruct Implementation of the Applicable Air Quality Plan
- 20 • Exposure of Sensitive Receptors to Odorous Emissions
- 21 • Impacts on the Environments from Greenhouse Gas Emissions
- 22 • Conflict with Greenhouse Gas Plan, Policy or Regulation
- 23 • Interference with the Movement of Native Wildlife through Existing Migratory
24 Corridors
- 25 • Impacts to Local Policies or Ordinances Protecting Biological Resources
- 26 • Disturb Human Remains

- Rupture of a Known Earthquake Fault as delineated on the Most Recent Alquist-Priolo Earthquake Fault Zoning Map
- Strong Seismic Ground Shaking
- Substantial Changes in Topography, Unstable Soil Conditions from Excavation, Grading or Fill, or Soil Erosion or the loss of Top Soil
- Located on Expansive Soils
- Soils Incapable of Supporting any Structures, Fill or Other Improvements Associated with the Project
- Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Material
- Accidental Release of Hazardous Materials into the Environment
- Hazards Within 0.25 Mile of an Existing or Proposed School
- Public Airport Hazards
- Private Airport Hazards
- Interference with an Adopted Emergency Response Plan or Emergency Evacuation Plan
- Wildland Fire Hazards
- Substantially Deplete Groundwater Supplies or Interfere with Recharge
- Place Houses Within a 100-Year Flood Hazard Area
- Place Structures Within a 100-Year Flood Hazard Area
- Contribute Runoff Water Exceeding the Capacity of Stormwater Drainage Systems
- Expose People or Structures to Flooding Hazards as the Result of the Failure of a Levee or Dam
- Result in Inundation by Seiche, Tsunami, or Mudflow

- Generation of Ground-Borne Vibration or Ground-Borne Noise Levels
- Physically Divide an Established Community
- Conflict with Applicable Land Use Plan, Policy, or Regulation
- Loss of Availability of a Known Mineral Resource
- Loss of Availability of a Locally-Important Mineral Resource
- Substantial Permanent Increase in Ambient Noise Levels
- Public Airport Noise
- Private Airport Noise
- Growth-Inducing Impacts
- Impacts on Existing Housing Necessitating the Construction of Replacement Housing
- Displace Substantial Numbers of People Necessitating the Construction of Replacement Housing
- Impacts on Public Services
- Impacts on Regional Parks or Other Recreational Facilities
- Impacts Associated with Construction or Expansion of Recreational Facilities
- Increased Roadway Hazards
- Emergency Access
- Inadequate Parking
- Impacts Associated with Construction or Expansion of Utility Facilities
- Impacts on Capacity of Stormwater Drainage Facilities
- Impacts to Water Supply Entitlements
- Exceed Wastewater Treatment Requirements
- Solid Waste Impacts
- Compliance with Solid Waste Regulations

2. **Potentially Significant Impacts That Can be Avoided or Reduced to a Less Than Significant Level through Implementation of Mitigation Measures**

- Expose Sensitive Receptors to Substantial Pollutant Concentrations
- Impacts to Special-Status Wildlife Species
- Impacts to Sensitive Vegetation Communities Including Riparian Habitat
- Impacts to Jurisdictional Local, State or Federal Waters
- Conflict with Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Local, Regional, or State Habitat Conservation Plan
- Impacts to Historical Resources
- Impacts to Archaeological Resources
- Impacts to Paleontological Resources or unique Geologic Features
- Seismic Related Ground Failure, Including Liquefaction
- Landslides or Mudflows
- Unstable Geologic Features
- Hazardous Material Sites
- Violate Water Quality Standards or Waste Discharge Requirements
- Substantial Discharges of Typical Stormwater Pollutants or Substantial Changes to Water Quality
- Substantially Alter Drainage Patterns, Including a Watercourse or Wetland, Resulting in Erosion or Siltation
- Substantially Alter Drainage Patterns Resulting in Flooding
- Impacts on the Performance of the Circulation System
- Conflict with Congestion Management Program
- Impacts on Public Transit, Bicycle, or Pedestrian Facilities

3. **Potentially Significant Impacts that cannot be Avoided or Reduced to a Less Than Significant Level:**

- Substantial Adverse Effect on a Scenic Vista
- Substantially Degrade the Existing Visual Character or Quality of the Site and its Surroundings
- Violate any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation
- Contribution to Cumulative Regional Air Quality Conditions
- Generation of Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies
- Substantial Temporary or Periodic Increase in Ambient Noise Levels

SECTION III

FINDINGS REGARDING ENVIRONMENTAL IMPACTS

NOT REQUIRING MITIGATION

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as have "no impact" or a "less than significant" impact. Nevertheless, these findings fully account for all resource areas, including resource areas that were identified in the Initial Study/Notice of Preparation (IS/NOP) and PEIR to have either no impact or a less than significant impact on the environment. The Board hereby finds that the Project would either have no impact or a less than significant impact in the following resource areas:

A. Aesthetics

1. Substantially Damage Scenic Resources within a State Scenic Highway: State Route 74 (SR-74) is designated as an eligible State Scenic Highway (DOT 2011). SR-74 runs from southern Mojave Desert to oak and pine forests of San Bernardino National Forest, and

1 offers views of the San Jacinto Valley and peaks of the San Jacinto Mountains (DOT, 2011).
2 The MDP facilities are primarily located within the road rights-of-way and developed/disturbed
3 areas and not in the areas, which are the focus of the scenic resources along SR-74. Although
4 two of the proposed water quality basins are located near the Ortega Outlet off Grandview
5 Avenue and Line A, which is located within proximity to SR-74, the proposed water quality
6 basins are not blocking the scenic views of the San Jacinto Valley or San Jacinto Mountains
7 along SR-74. Therefore, impacts to scenic resources within a State Scenic Highway are
8 considered to be less than significant. [IS/NOP pp. 17 through 18].

10 **2. New Sources of Light and Glare Adversely Affecting Views:** The MDP would
11 not require any lighting. Future operation and maintenance of the MDP facilities will not produce
12 any new sources of light or glare. Any lighting used during the construction phase will be
13 temporary, and construction is expected to take place during the day. The MDP facilities will not
14 create a new source of substantial light or glare. Therefore, no impacts related to light and glare
15 are anticipated. [IS/NOP p. 18].

17 **B. Agricultural and Forest Resources**

18 **1. Convert Prime Farmland, Unique Farmland or Farmland of Statewide**
19 **Importance to Non-Agricultural Use:** Areas designated as Farmland of Local Importance and
20 Prime Farmland are located within the MDP boundary. However, only the proposed water
21 quality basin along Stoneman Street Channel, Line G, Laterals A and A1, and the proposed
22 detention basin at Ortega Channel lie within Farmland of Local Importance, which is not
23 considered Farmland or agricultural lands according to the CEQA Statutes and State CEQA
24 Guidelines (2011). There are no MDP facilities proposed on the lands designated as Prime
25 Farmland within the MDP boundary area. Therefore, no impacts to convert Prime Farmland,
26 Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses are expected.
27 [IS/NOP p. 19].

1 **2. Conflict with Zoning for Agricultural Use or with a Williamson Act**

2 **Contract:** The MDP would not conflict with existing zoning because it will not involve any
3 changes to current General Plan land use or zoning designations. Additionally, the MDP
4 boundary area is not subject to a Williamson Act Contract. Therefore, no impacts related to
5 conflicting with agricultural zoning, uses or contracts are anticipated. [IS/NOP p. 19].
6

7 **3. Convert or Indirectly Result in the Conversion of Farmland to Non-**

8 **Agricultural Use:** Even though there is Prime Farmland within the MDP boundary, the proposed
9 MDP facilities are not impacting this area. Some of the proposed water quality basin and detention
10 basin will impact Farmland of Local Importance. However, the IS/NOP concluded this impact to
11 such agricultural land was minor and did not represent a potentially significant impact. Therefore,
12 the MDP would not convert any Farmland to non-agricultural use. No impacts are expected.
13 [IS/NOP p. 20].
14

15 **4. Conflict with Zoning for or Cause Rezoning of Forest Land, Timberland, or**

16 **land zoned Timberland Production:** The MDP would not conflict with existing zoning or
17 cause rezoning of forest land, timberland, or timberland zoned for Timberland Production
18 because it will not involve any changes to current General Plan use or zoning designations.
19 Additionally, there are no timberland zoned production areas within the MDP boundary. No
20 impact to such resources would occur. [IS/NOP p. 20].
21

22 **5. Result in the Loss of Forest Land or Convert or Indirectly Result in the**

23 **Conversion of Forest Land to Non-Forest Use:** The MDP would not result in the loss of forest
24 land or conversion of forest land to non-forest use because the MDP facilities are outside forest
25 lands. No impacts to forest land are expected to occur. [IS/NOP pp. 20 through 21].
26

27 **C. Air Quality**

28 **1. Conflict with or Obstruct Implementation of the Applicable Air Quality**

Plan: The MDP boundary is within the South Coast Air Basin (SCAB), which is in the

1 jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD
2 establishes the Air Quality Management Plan (AQMP) for the SCAB, which sets forth a
3 comprehensive program that will lead the SCAB into compliance with all federal and state air
4 quality standards. To achieve compliance with these standards, the AQMP establishes control
5 measures and emission reductions based upon future development scenarios derived from land
6 use, population, and employment characteristics defined in consultation with local governments.
7 Accordingly, a project's conformance with the AQMP is determined by demonstrating that it is
8 consistent with the local land use plans and/or population projections that were used in the
9 AQMP.
10

11 California Government Code Section 53091 exempts public water facilities from
12 local zoning regulations, which would apply to the MDP. Since the MDP consists of
13 infrastructure that in and of itself will not result in any changes to the existing land use patterns
14 within the MDP boundary, and the implementation of this MDP accommodates present and
15 future development within the Lakeland Village area, the MDP does not conflict with or
16 obstruct the implementation of the AQMP. Potential impacts are less than significant. [IS/NOP
17 p. 21].
18

19 **2. Exposure of Sensitive Receptors to Odorous Emissions:** The MDP could
20 potentially generate objectionable odors during the future construction phase and during
21 maintenance activities related to operation of diesel-powered equipment. However, recognizing
22 the relative location of the surrounding residential and business developments within the MDP
23 boundary, and the fact that odors from vehicles and construction equipment already exist within
24 the MDP boundary and given the short-term construction phases and maintenance activities, the
25 MDP would not create objectionable odors affecting a substantial number of people. Also, the
26 construction of the MDP facilities will not require a substantial number of diesel-fueled
27
28

1 equipment and, thus, would not create objectionable odors. Impacts are considered to be less
2 than significant. [IS/NOP p. 23].

3 **3. Impacts on the Environments from Greenhouse Gas Emissions:** Based on the
4 analysis in the PEIR, Project-generated annual GHG emissions are anticipated to be well below
5 the annual threshold value of 900 metric tons carbon dioxide equivalent (MT CO₂E) evaluated
6 by CAPCOA. Construction emissions for the Project are anticipated to be approximately 357
7 MT CO₂E during construction, with emissions dropping to near zero once operational. While
8 the CAPCOA threshold has not been adopted by CARB, SCAQMD, or other air quality
9 agencies, it is the lowest non-zero GHG significance threshold that has been evaluated in
10 California. As of the date that this report was prepared, the State of California, the SCAQMD,
11 and the District have yet to adopt screening criteria and/or numeric significance thresholds for
12 GHG emissions. Therefore, construction of the proposed MDP facilities would not result in a
13 cumulatively considerable contribution to GHG emissions that would significantly impact
14 global climate, and no mitigation is necessary.

17 In addition, major grading is not expected to routinely occur while maintaining
18 the underground storm drains and concrete channels. Furthermore, operation of equipment and
19 worker vehicles associated with major repairs would be temporary in nature as with routine
20 maintenance activities. GHG emissions generated by off-road equipment and maintenance
21 vehicles would be temporary and would not generate daily GHG emissions typically associated
22 with long-term, operational land uses, such as residential and commercial development.
23 Furthermore, the Project would not increase population or result in an increase in vehicle trips
24 over existing conditions. As the Project does not propose long-term, operational uses that would
25 continuously generate GHG emissions, impacts associated with operational GHG emissions
26 would not be cumulatively considerable, and no Mitigation Measures are necessary. Impacts
27
28

1 related to physical environmental impacts due to GHG emissions would therefore be less than
2 significant. [DPEIR pp. 4.6-11 through 4.6-14]

3 **4. Conflict with Greenhouse Gas Plan, Policy or Regulation:** While federal and
4 state legislation will ultimately reduce some of the GHG emissions associated with the Project, no
5 statewide plan, policy, or regulation would be directly applicable to the Project. Furthermore,
6 neither the Riverside County Flood Control and Water Conservation District, the County of
7 Riverside, nor the SCAQMD has adopted any GHG reduction plans or measures that would apply
8 directly to the GHG emissions associated with the proposed Project. At this time, therefore, no
9 mandatory GHG regulations or finalized agency guidelines would apply to implementation of this
10 Project, and no conflict would occur. Regardless, emissions are deemed less than significant
11 during construction and would effectively become zero aside from occasional maintenance
12 activities once the Project is operational. Therefore, the Project would not conflict with an
13 applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs
14 and no Mitigation Measures are necessary. Impacts would remain less than significant. [DPEIR p.
15 4.6-14]
16
17

18 **D. Biological Resources**

19 **1. Interference with the Movement of Native Wildlife through Existing**
20 **Migratory Corridors:** There are no specific MSHCP linkages that have been identified for the
21 MDP boundary area. Many of the MDP facilities lie within road rights-of-way and/or are
22 within developed areas. Thus, it is not anticipated that the construction and maintenance of
23 future MDP facilities would impede the movement of any native resident or migratory fish or
24 wildlife species within the reserve features of the MSHCP. Future MDP facilities that lie within
25 MSHCP Criteria Cells will consider any ways the MDP facility can avoid species impacts or
26 outline Mitigation Measures for any applicable species/habitat impacts. Therefore, since there
27 are no specific wildlife movement corridors in the MDP boundary that would be affected by the
28

1 MDP facilities, impacts to wildlife movement is considered less than significant. [DPEIR pp.
2 4.3-31 through 4.3-33].

3 **2. Impacts to Local Policies or Ordinances Protecting Biological Resources:**

4 The MDP facilities will not interfere with the County of Riverside or Cities of Lake Elsinore and
5 Wildomar implementing these policies. Additionally, Riverside County has an Oak Tree
6 Management Guideline policy for impacts to oak woodlands. The MDP facilities will mostly be
7 within road rights-of-way and the proposed water quality basins and debris basins are not anticipated
8 to be located near any identified oak woodlands. Should some of the MDP facilities be located near
9 oak woodlands in the future, the specific MDP facility shall comply with the Riverside County Oak
10 Tree Management Guidelines. The MDP facilities shall meet the goal of applicable policies or
11 ordinances protecting biological resources within the County of Riverside, City of Lake Elsinore,
12 and City of Wildomar. Impacts are therefore considered to be less than significant. [DPEIR p. 4.3-
13 33].

14
15
16 **E. Cultural Resources**

17 **1. Disturb Human Remains:** There are no formal cemeteries located within the
18 MDP boundary, and it is unlikely that human remains are located within the MDP boundary. Per
19 State Health and Safety Code 7050.5, if human remains are encountered during construction, no
20 further disturbance shall occur until the Riverside County Coroner has made a determination of
21 origin and disposition pursuant to Public Resources Code Section 5097.98. The Riverside
22 County Coroner must be notified within 24 hours. If the County Coroner determines that the
23 remains are not historic, but prehistoric, the Native American Heritage Commission (NAHC)
24 must be contacted to determine the most likely descendent for this area. Once the most likely
25 descendent is determined, treatment of the Native American human remains will proceed
26 pursuant to Public Resources Code 5097.98. The NAHC may become involved with decisions
27 concerning the disposition of the remains. Therefore, since construction of the MDP facilities
28

1 will have to follow state law should any unexpected human remains be found, and given that no
2 known formal cemeteries are located within the MDP boundary and their likelihood of
3 occurrence would be very low, potential impacts to human remains are less than significant.
4 [IS/NOP pp. 27 through 28].

5 **F. Geology and Soils**

6
7 **1. Rupture of a Known Earthquake Fault as delineated on the Most Recent**
8 **Alquist-Priolo Earthquake Fault Zoning Map:** The MDP does not propose habitable
9 structures and no structures of a critical nature (dams, levees, bridge crossings) that require the
10 consideration of seismic activity are proposed and the District's routine inspection and
11 maintenance activities will ensure that the MDP facilities are repaired if damage does occur
12 during a seismic event. In addition, MDP facility design will follow the recommendation of a
13 registered civil, structural engineer and/or engineering geologist and at a minimum, meet current
14 building standards and codes including those associated with protection from anticipated
15 seismic events within the MDP boundary. Therefore, impacts related to the rupture of a known
16 earthquake fault are expected to be less than significant. [IS/NOP pp. 28 through 29].

17
18 **2. Strong Seismic Ground Shaking:** No habitable structures and no structures of a
19 critical nature (dams, levees, bridge crossings) that require the consideration of seismic activity
20 are proposed as a part of the MDP. Although the MDP boundary is in an actively seismic area,
21 no habitable structures are proposed and the District's routine inspection and maintenance
22 activities will ensure that the MDP facilities are repaired if damage does occur during a seismic
23 event. In addition, MDP facility design will follow the recommendation of a registered civil,
24 structural engineer and/or engineering geologist and at a minimum, meet current building
25 standards and codes including those associated with protection from anticipated seismic events
26 within the proposed MDP boundary. Therefore, impacts associated with strong seismic ground
27 shaking are considered less than significant. [IS/NOP pp. 29 through 30].
28

1 **3. Substantial Changes in Topography, Unstable Soil Conditions from**
2 **Excavation, Grading or Fill, or Soil Erosion or the loss of Top Soil:** The majority of the
3 MDP facilities will be underground except for the basins and embankments. Excavated areas
4 will be subject to erosion but any potential adverse impacts will be minimized by implementing
5 an effective combination of erosion and sediment control measures. Pursuant to the applicable
6 provisions of the National Pollutant Discharge Elimination System (NPDES) Municipal Permit
7 for Stormwater Dischargers Associated with Construction Activity, contractors will be required
8 to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) to control erosion
9 and sedimentation. The SWPPP will incorporate applicable Best Management Practices (BMPs)
10 to minimize the loss of topsoil or substantial erosion. Potential impacts from soil erosion or the
11 loss of topsoil from construction is less than significant. [IS/NOP p. 31].
12

13
14 **4. Located on Expansive Soils:** The MDP is not within areas underlain by
15 expansive soils since the majority of the soils associated with the MDP boundary are alluvial-
16 fan deposits. The proposed basin embankments must comply with the Standard Specifications
17 for Public Works Construction and site-specific geotechnical reports, which typically prescribe
18 mitigation for expansive soils. However, since there are no mapped expansive soils within the
19 MDP boundary, and there would be requirements in place for the embankments to consider
20 expansive soils, this issue is considered to be less than significant. [IS/NOP p. 32].
21

22 **5. Soils Incapable of Supporting any Structures, Fill or Other Improvements**
23 **Associated with the Project:** Following standard engineering practices, generally, loose soils
24 within the MDP boundary are removed until dense, relatively "non-compressible" soils
25 (alluvium or Formation materials) are encountered. Removal of the loose soils will typically
26 reduce the adverse impact of the static or dynamic settlements on settlement-sensitive facilities.
27 Topsoil and vegetation layers, root zones, and similar surface materials are typically not suitable
28 for re-use as fill and are re-used for landscaping or removed from the construction area. Most

1 alluvial materials and bedrock materials are considered suitable for re-use as compacted
2 engineered fills. However, excavations in the bedrock materials may generate oversize materials
3 that are difficult to handle in engineered fills. The MDP does not anticipate soils being
4 incapable of adequately supporting the MDP facilities, fill or other associated project
5 improvements and removal of some soils will not affect the MDP; therefore, impacts are
6 considered to be less than significant. [IS/NOP pp. 32 through 33].
7

8 **G. Hazards and Hazardous Materials**

9 **1. Hazard to the Public or the Environment through the Routine Transport,**
10 **Use, or Disposal of Hazardous Material:** Future construction of the MDP facilities involves
11 the use of fuel and other petroleum products for construction vehicles and equipment. The
12 construction phase may include the transport of gasoline and diesel fuel and onsite storage for
13 the sole purpose of fueling construction equipment. Future maintenance activities may involve
14 the occasional limited use of herbicides and pesticides in accordance with Federal, State, and
15 local regulations.
16

17 Best Management Practices (BMPs) will be in place to ensure the lawful and
18 proper storage and use of these materials. All transport, handling, use and disposal of substances
19 such as petroleum products, solvents and paints related to construction, operation and
20 maintenance of the MDP facilities will comply with all Federal, State and local laws regulating
21 the management and use of hazardous materials. Riverside County adopted a Hazardous Waste
22 Management Plan that serves as the primary planning document for the management of
23 hazardous substances. The City of Lake Elsinore Fire Department provides administration of
24 hazardous materials and regulates permits for the handling, storage, and use of hazardous
25 materials within their city limits. The City of Wildomar contracts with the Riverside County
26 Fire Department/CalFire which provides for hazardous materials response and will assist in the
27 regulation of permits for the handling, storage, and use of hazardous materials. Therefore, since
28

1 the use of hazards substances are regulated through various federal, state and local laws, the
2 MDP itself will not create a significant hazard to public or the environment. [IS/NOP pp. 33
3 through 34].

4 **2. Accidental Release of Hazardous Materials into the Environment:** While the
5 Project would not utilize or store substantial amounts of hazardous materials, future construction
6 and maintenance of the MDP facilities will involve the incidental handling of hazardous
7 materials through the operation and maintenance of equipment. However, BMPs will be
8 implemented for the duration of project construction that will avoid and minimize the release of
9 hazardous materials into the environment. Impacts are considered to be less than significant.
10 [IS/NOP p. 34].

12 **3. Hazards within 0.25 Mile of an Existing or Proposed School:** Butterfield
13 Elementary School, Lakeland Village Middle School, and Collier William Elementary School
14 are located within the MDP boundary. The proposed flood control use does not include any
15 activities or uses that would pose a potential health hazard to the local population other than
16 accidental leakage of petroleum products during construction. All transport, handling, use and
17 disposal of substances such as petroleum products, solvents and paints related to construction,
18 operation and maintenance of the MDP facilities will comply with all federal, state and local
19 laws regulating the management and use of hazardous materials. Also, the District's standard
20 procedures include measures, which control access and trespass by children and other
21 pedestrians that may be using schools near construction sites. Impacts are considered to be less
22 than significant. [IS/NOP pp. 34 through 35]. Further, as detailed in Section IV.A.1. of the
23 findings, impacts related to the exposure of sensitive receptors to air quality emissions were also
24 determined to remain less than significant with mitigation.

27 **4. Public Airport Hazards:** The closest airport is Skylark Field Airport in the city of
28 Lake Elsinore, but it is not a public airport. The MDP is not located within this airport's land use

1 plan or within two miles of a public airport or public use airport. No impacts related to airport
2 hazards are anticipated. [IS/NOP p. 35].

3 **5. Private Airport Hazards:** The MDP is located within the vicinity of two private
4 airstrips (Skylark Field Airport, located 0.70 mile southeast from the MDP boundary and
5 McConville Airstrip, located 1.6 miles southwest of the MDP boundary). However, the MDP
6 includes underground storm drains, open channels, debris basins, and water quality basins, and
7 does not include development that would result in a safety hazard for people residing or working
8 within the MDP boundary. No impacts related to airport hazards are anticipated. [IS/NOP p.
9 36].
10

11 **6. Interference with an Adopted Emergency Response Plan or Emergency**
12 **Evacuation Plan:** The Riverside County Operation Area Emergency Operations Plan is
13 designed to establish the framework for implementation of the California Standardized
14 Emergency Management System for Riverside County and implement the National Incident
15 Management System. The plan helps facilitate Riverside County and local governments in
16 emergency operations. The City of Wildomar contracts with the Riverside County Fire
17 Department/CalFire for services including structural and wildland fire protection,
18 prevention, emergency medical response, hazardous materials response and disaster
19 preparedness. The City of Lake Elsinore has developed an emergency preparedness plan and
20 action in response to potential disasters to the city in the event of an earthquake, wildfire,
21 flooding, terrorism, civil unrest, nuclear plant, severe weather, extreme heat, droughts, utility
22 outages, transportation accidents, and hazardous materials releases. Because build-out of the
23 proposed MDP facilities will take place over time, no impacts related to emergency access or
24 plans within Lakeland Village, portions of the City of Lake Elsinore, and portions of the City of
25 Wildomar are expected. [IS/NOP p. 36].
26
27
28

1 **7. Wildland Fire Hazards:** Since Lakeland Village abuts the Cleveland National
2 Forest, some MDP facilities are within an area designated as having a high susceptibility to
3 wildfire. However, the MDP facilities are not susceptible to damage by fire nor would they
4 expose people to wildland fires. The maintenance of basin sites and adjacent areas may contain
5 heavily vegetated areas that could be flammable under certain weather conditions (e.g., Red
6 Flag Warnings from the National Weather Service). In compliance with the MSHCP, the
7 District's Operations and Maintenance (O&M) Division is required to implement all applicable
8 guidelines/BMPs to minimize the chance of wildfires or other potential direct/indirect impacts.
9 Impacts related to wildland fire hazards are considered to be less than significant. [IS/NOP p.
10 37].
11

12 **H. Hydrology and Water Quality**

13 **1. Substantially Deplete Groundwater Supplies or Interfere with Recharge:**
14
15 Since future proposed concrete channels would only be a small fraction of area (approximately 2.5
16 acres of the approximately 44.61 acres of the MDP facilities) not providing groundwater recharge as
17 compared to development projects, the conversion would be considered less than significant as it
18 relates to groundwater recharge. Furthermore, the 13 acres of water quality basins are designed to
19 allow water to infiltrate and, thus, may offset loss of 2.5 acres of recharge from proposed impervious
20 concrete-lined facilities listed above. The water quality basins will also be designed to settle out
21 pollutants before the stormwater is discharged to Lake Elsinore. Once operational, the Project would
22 not require substantial amounts of water. Therefore, impacts related to depletion of groundwater
23 supplies or interference with recharge are considered to be less than significant. [DPEIR p. 4.8-18].
24

25 **2. Place Houses within a 100-Year Flood Hazard Area:** Part of the MDP
26 boundary is within a 100-year flood hazard area. However, no housing is proposed as part of the
27 MDP. In fact, the MDP would remove housing from flood hazard areas; therefore, the project
28 will improve the existing condition by ensuring that housing is out of flood hazard areas. This

1 project will not have negative impacts related to housing within a 100-year flood area. [IS/NOP
2 pp. 40 through 41].

3 **3. Place Structures within a 100-Year Flood Hazard Area:** No Structures or fill
4 is going to be placed within flood hazard areas that would impede or redirect flows. In fact, the
5 MDP would improve flood control in the area by constructing facilities that will improve the
6 condition of 100-year flood hazard areas and reduce the impacts to the surrounding area.
7 Impacts are considered to be less than significant. [IS/NOP p. 41].

9 **4. Contribute Runoff Water Exceeding the Capacity of Stormwater Drainage**
10 **Systems:** The Project is intended to collect and convey stormwater through the Project boundary;
11 the Project will not be a generator of runoff water that can exceed existing or planned stormwater
12 drainage systems. Some of the MDP facilities will drain/connect to existing downstream drainage
13 systems. The Project proposes to retrofit or upsize existing facilities whose capacity will be
14 compromised by construction of the MDP or were not designed to convey the tributary runoff.
15 Therefore, since the Project will not create or contribute runoff, and it will require the upsizing of
16 existing facilities so that they can accommodate flows that will be conveyed through the new
17 MDP facilities, impacts are considered to be less than significant. [DPEIR p. 4.8-21].

19 **5. Expose People or Structures to Flooding Hazards as the Result of the**
20 **Failure of a Levee or Dam:** Portions of the Project area lie within the boundaries of the FEMA
21 100-year floodplain (see Figure 4.8-1). However, one of the objectives of the Project is to
22 control flooding associated with stormwater runoff within the Project boundary. The Project
23 does not include the construction of a levee. However, MDP facilities do include debris basins.
24 Table 4.8-4 provides a list of debris basins within the Project boundary and whether they fall
25 under the jurisdiction of the Division of Safety of Dams (DSOD) criteria.
26

27 The following criteria will be applied to every basin, even if the facility is not
28 within the jurisdiction of the DSOD:

- a. The embankment, foundation, abutments, and reservoir rim must be stable and must not develop unacceptable deformations under all loading conditions brought about by construction of the embankment, reservoir operation, and earthquake.
- b. Seepage flow through the embankment, foundation, abutments, and reservoir rim must be controlled to prevent excessive uplift pressures; piping; instability; sloughing; removal of material by solutioning; or erosion of material into cracks, joints, or cavities. The amount of water lost through seepage must be controlled so that it does not interfere with planned project functions.
- c. The reservoir rim must be stable under all operating conditions to prevent the triggering of a landslide into the reservoir that could cause a large wave to overtop the dam.
- d. The embankment must be safe against overtopping or encroachment of freeboard during occurrence of the IDF (inflow design flood) by the provision of sufficient spillway and outlet works capacity.
- e. Freeboard must be sufficient to prevent overtopping by waves.
- f. Camber should be sufficient to allow for settlement of the foundation and embankment, but not included as part of the freeboard.
- g. The upstream slope must be protected against wave erosion, and the crest and downstream slope must be protected against wind and rain erosion.

An earthfill dam designed to meet the above criteria will prove permanently safe, provided proper construction methods and control are achieved. Therefore, the Project will not expose people or structures to any flooding hazards and impacts will remain less than significant. [DPEIR pp. 4.8-21 through 4.8-22].

1 **6. Result in Inundation by Seiche, Tsunami, or Mudflow:** According to the
2 Seismic and Geologic Hazards Review report, some areas within the MDP boundary are located
3 within an area that could be subject to inundation by seiches from Lake Elsinore. However, as
4 stated in the City of Lake Elsinore's Draft General Plan EIR, although there is the potential for a
5 seiche to occur in Lake Elsinore during an earthquake, it would take a geologically substantial
6 earthquake to cause a seiche. Seiche potential is highest in large, deep, steep-reservoirs or water
7 bodies. Lake Elsinore lacks significant potential for a damaging seiche because it is shallow, and
8 because of the flood control infrastructure constructed by the U.S. Army Corps of Engineers,
9 including the berm fill at the southern end of the lake. No water is being stored in the water
10 quality or debris basins that would constitute bodies of water that could create a seiche. The MDP
11 facilities will convey stormwater and runoff that would reduce the likelihood of mudflow from the
12 area. In addition, the potential for the occurrence of a tsunami is very low because the Pacific
13 Ocean is the closest tsunami-producing open body of water and is located approximately 25 miles
14 from the MDP boundary. Therefore, the construction and operation and maintenance of the
15 MDP will not increase exposure of land uses to a seiche, mudflow or tsunami and impacts from
16 all three hazards are considered to be less than significant. [DPEIR p. 4.8-22].

19 **I. Land Use Planning**

20 **1. Physically Divide an Established Community:** The MDP is located in the
21 existing community of Lakeland Village. The MDP facilities are primarily located within
22 existing streets and rights-of-way. Proposed basins are planned to be located within
23 undeveloped areas. Any necessary street, pedestrian and/or wildlife crossings over open
24 channels will be provided. Further, this type of development typically does not create the type of
25 permanent barricades that may divide a community. Thus, the MDP would not physically divide
26 an established community. [IS/NOP p. 42].
27
28

1 **2. Conflict with Applicable Land Use Plan, Policy, or Regulation:** The MDP
2 would not conflict with existing zoning because it will not involve any changes to current
3 General Plan land use or zoning designations. In addition, Section 18.2.a(b) of Riverside County
4 Ordinance No. 348 exempts public agency projects, such as this MDP, from County zoning
5 regulations. The MDP is consistent with the County of Riverside's, City of Lake Elsinore's, and
6 City of Wildomar's land use designation and will not impact existing or proposed land uses.
7 [IS/NOP p. 42].

9 **J. Mineral Resources**

10 **1. Loss of Availability of a Known Mineral Resource:** According to the RCIP
11 much of the area within the MDP boundary is classified by the State of California as a Mineral
12 Resource Zone 3 (MRZ-3). MRZ-3 are "areas where the available geologic information
13 indicates that mineral deposits are likely to exist, however, the significant[ce] of the deposit is
14 undetermined" (Riverside County General Plan). The MDP includes storm drains mostly
15 located within existing street rights-of-way and would not affect known mineral resources,
16 impact any ongoing mineral resource extraction sites, and would not preclude use of such
17 mineral resources in the future. Impacts are considered to be less than significant. [IS/NOP p.
18 43].

19
20 **2. Loss of Availability of a Locally-Important Mineral Resource:** According to
21 the RCIP much of the area within the MDP boundary is classified by the State of California as a
22 Mineral Resource Zone 3 (MRZ-3). This classification denotes mineral deposits are likely to
23 exist; however, the significance of the deposit is undetermined. The MDP is located primarily
24 within road rights-of-way. It is not anticipated that the proposed MDP facilities would result in a
25 significant loss of availability of a known mineral resource and the Project would not impact
26 any ongoing mineral resource extraction sites. Impacts are considered to be less than significant.
27 [IS/NOP p. 43].
28

1 **K. Noise**

2 **1. Substantial Permanent Increase in Ambient Noise Levels:** The MDP does not
3 result in permanent noise impacts. Construction activities would not result in permanent noise
4 impacts. Subsequent operation and maintenance activities are expected to generate infrequent
5 and minor increased noise levels associated with trucks and/or heavy equipment used on an as-
6 needed basis for inspection or maintenance purposes. Because there are no permanent sources
7 of substantial noise generated by the MDP, impacts are considered to be less than significant.
8 [IS/NOP p. 45].

10 **2. Public Airport Noise:** The MDP is not located within two miles of a public
11 airport or public use airport, which would expose people residing or working within the MDP
12 boundary to excessive noise levels. No impacts are anticipated. [IS/NOP p. 45].

14 **3. Private Airport Noise:** The MDP is located within the vicinity of two private
15 airstrips (Skylark Field Airport, located 0.70 mile southeast from the MDP boundary and
16 McConville Airstrip, located 1.6 miles southwest of the MDP boundary). However, The MDP
17 does not include development that would result in exposing people residing or working within
18 the MDP boundary to excessive noise levels. No impacts are anticipated. [IS/NOP pp. 45
19 through 46].

21 **4. Generation of Ground-Borne Vibration or Ground-Borne Noise Levels:** The
22 Project would involve the temporary and intermittent use of construction equipment, which may
23 have the potential to create minor ground-borne vibration and noise levels for various
24 construction and maintenance activities over the life of the Project. There are no operational
25 noise sources that would include vibration. Sometimes during construction, vibrational noise
26 may occur from equipment movement. Vibrational noise is a concern when sensitive receptors,
27 such as homes, schools, or hospitals are in proximity to the vibration sources. For the Project,
28 the proposed alignments are within proximity of residences, as most of the MDP facilities lie

1 within or adjacent to existing roads. The heavier pieces of construction equipment used within
2 the Project boundary could include dozers, graders, loaded trucks, water trucks, and pavers.
3 Ground-borne vibration information related to construction activities has been collected by
4 California Department of Transportation (Caltrans) (Caltrans 2004). Information from Caltrans
5 indicates that continuous vibrations with a peak particle velocity of approximately 0.1 inch/second
6 begin to annoy people. However, according to the American Society of Civil Engineers (ASCE
7 1974), this annoyance threshold is approximately half of the magnitude which is typically used for
8 protection of "fragile buildings." The ASCE recommends the use of a 0.2 inch/second particle
9 velocity to ensure the avoidance of damage to older existing structures within the Project
10 boundary. Since this is a program level EIR, the specific alignment of the facilities is not
11 determined at this time. As a worse-case scenario, an approximate 25-foot distance from the
12 construction area to the closest home was assumed. The heavier pieces of construction equipment
13 such as large bulldozers and loaded trucks would have peak particle velocities of approximately
14 0.089 or less at a distance of 25 feet (FTA 2006). At these distances and with the anticipated
15 construction equipment, the peak particle velocity would be below 0.1 inches/second at the
16 adjacent homes. As such, even older homes which may exist adjacent to the Project site would
17 not be anticipated to be damaged from the ground vibration created during site preparation
18 activities; the greatest sources of ground vibration from construction are associated with pile
19 driving, rock drills, and blasting, none of which are expected during construction of the MDP
20 facilities. Vibration is very subjective, and some people may be annoyed at continuous vibration
21 levels near the level of perception (or approximately a peak particle velocity of 0.01
22 inches/second). However, construction activities are not anticipated to result in continuous
23 vibration levels that typically annoy people and, as opposed to longer construction times at a
24 single source location, construction trends toward shorter times at single locations. Therefore,
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1 vibration impacts would be considered less than significant and no Mitigation Measures are
2 necessary. [DPEIR p. 4.9-11]

3 **L. Population and Housing**

4 **1. Growth-Inducing Impacts:** The MDP will provide a conceptual plan for
5 improved flood protection to an area that, for the most part, is already developed. The MDP
6 would not result in any change to existing land use patterns or trigger substantial growth in the
7 area. Regardless, any development that may occur is subject to the policies of the Riverside
8 County General Plan, City of Lake Elsinore, and Wildomar General Plans. The Project is not
9 growth-inducing and is required to meet existing needs within the MDP area; therefore, impacts
10 are considered to be less than significant. [IS/NOP p. 46].

12 **2. Impacts on Existing Housing Necessitating the Construction of Replacement**
13 **Housing:** The MDP is a conceptual drainage system that consists of open channels and/or storm
14 drains, water quality basins and debris basins and is not anticipated to displace existing
15 residential structures, necessitating the construction of replacement housing. The proposed MDP
16 facilities are located primarily within road rights-of-way and would not affect existing housing.
17 Housing impacts are considered to be less than significant. [IS/NOP p. 46].

19 **3. Displace Substantial Numbers of People Necessitating the Construction of**
20 **Replacement Housing:** The MDP is a conceptual drainage system that consists of open
21 channels and/or storm drains, water quality basins and debris basins and is not anticipated to
22 displace people, necessitating the construction of replacement housing elsewhere. The MDP
23 facilities will be located primarily within existing road rights-of-way. Therefore, the Project will
24 not displace anyone and impacts are considered to be less than significant. [IS/NOP p. 47].

26 **M. Public Services**

27 **1. Impacts on Public Services:** The project does not involve new housing or
28 employment that would adversely impact existing public services or require the need for new

1 public services. Development related to the MDP will not increase service calls for police or
2 fire and will not negatively impact schools, libraries, or other public facilities. No Impacts are
3 anticipated. [IS/NOP pp. 47 through 48].

4 **N. Recreation**

5 **1. Impacts on Regional Parks or Other Recreational Facilities:** The MDP does
6 not include new homes or businesses that would increase the use of existing parks or
7 recreational facilities. Therefore, no impacts related to recreation are anticipated. [IS/NOP p.
8 48].

10 **2. Impacts Associated with Construction or Expansion of Recreational**
11 **Facilities:** The MDP does not include housing and will not trigger the need for construction or
12 expansion of recreational facilities. No impacts to recreational facilities are anticipated. [IS/NOP
13 p. 48].

15 **O. Transportation and Traffic**

16 **1. Increased Roadway Hazards:** The MDP is a conceptual drainage system that
17 consists of expanding existing drainage facilities, adding new open channels, storm drains,
18 debris basins, and water quality basins primarily within existing road rights-of-way that would
19 not increase hazards due to design features or incompatible uses. No significant reconfiguration
20 of roads are expected as a result of the MDP. Roads impacted by construction of the MDP
21 facilities will be returned to their original condition. Impacts are considered to be less than
22 significant. [IS/NOP p. 50].

24 **2. Emergency Access:** Portions of the MDP boundary are located within a 100-year
25 floodplain. The purpose of the MDP is to establish the framework for planning and implementing a
26 drainage system to alleviate flooding within the MDP boundary. The flood protection offered by the
27 MDP will eliminate floodplains that cross road surfaces, thus, improve access and mobility in times
28 of flooding emergencies. In addition, future temporary construction impacts will not significantly

1 interfere or impair traffic flow within the MDP boundary. Because build-out of the proposed
2 MDP facilities will take place over time and would not impede access by emergency vehicles,
3 no impacts related to emergency access for fire and police services are expected. [IS/NOP p.
4 50].

5
6 **3. Inadequate Parking:** The MDP is not expected to affect any existing parking
7 facilities or increase the need for additional parking facilities. No parking impacts are
8 anticipated. [IS/NOP p. 50].

9 **P. Utilities and Service Systems**

10 **1. Impacts Associated with Construction or Expansion of Utility Facilities:**
11 Minor utility relocations may be necessary during the construction of the proposed MDP
12 facilities. Utility relocations will be avoided or minimized during the design phase of the MDP
13 facilities. Therefore, impacts upon existing utilities and service systems are considered to be
14 less than significant. [IS/NOP pp. 51 through 52].

15
16 **2. Impacts on Capacity of Stormwater Drainage Facilities:** The Project itself is
17 the construction of new stormwater drainage facilities and the expansion of existing facilities.
18 The Project is intended to meet an existing need of enhanced stormwater and flood management
19 for an area that routinely exhibits significant flooding during rain events. The environmental
20 effects of MDP facility construction and operations are discussed throughout the DPEIR.
21 Impacts on capacity of stormwater drainage facilities is considered less than significant. [DPEIR
22 p. 4.11-5].

23
24 **3. Impacts to Water Supply Entitlements:** The MDP does not involve activities
25 that would require permanent water supplies. Future construction of the MDP facilities will
26 necessitate short-term water use in order to provide for dust control that are not anticipated to
27 require large amounts of water or unduly impact water supplies. Impacts on water supplies are
28 less than significant. [IS/NOP p. 52].

4. **Exceed Wastewater Treatment Requirements:** The MDP will not generate wastewater. No new wastewater treatment facilities are required as a result of the MDP. No impacts related to wastewater are expected. [IS/NOP p. 53].

5. **Solid Waste Impacts:** The MDP would only generate a limited amount of solid waste during future construction and will not require service of a landfill on a long-term basis. Construction waste will be limited to trash generated by construction crews plus minimal debris created during the cleaning phases. Waste (i.e. debris removal from basins during maintenance) from future operation and maintenance would also be limited. Since there are no landfills within the City of Lake Elsinore, trash is taken to either a landfill within Riverside County or the Materials Recovery Facility. Given that the construction is temporary and the construction of the MDP will be done in phases, it is expected that the landfill would sufficiently permit capacity to accommodate the MDP's minor solid waste disposal needs. Impacts related to solid waste are considered to be less than significant. [IS/NOP p. 53].

6. **Compliance with Solid Waste Regulations:** The MDP will not generate large quantities of solid waste on a long-term basis. The disposal of future construction waste will comply with all federal, state, and local statutes and regulations regarding solid waste. Potential impacts are less than significant. [IS/NOP p. 53].

SECTION IV

FINDINGS REGARDING ENVIRONMENTAL IMPACTS

MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Board finds that the following environmental impacts identified in the PEIR are potentially significant but can be mitigated to a less than significant level. The use of a PEIR allows the lead agency to consider a broad range of program-wide Mitigation Measures at an early time when the agency has greater flexibility to deal with the basic problems or cumulative impacts (State CEQA Guidelines Section 15168(b)(4)). The potentially significant impacts and

1 the broad range of Mitigation Measures which would reduce them to a less than significant level
2 are set out in the PEIR and are summarized as follows:

3 **A. Air Quality**

4 **1. Expose Sensitive Receptors to Substantial Pollutant Concentrations:**

5 Sensitive receptors within the MDP boundary include schools, daycare facilities, and residences.
6 Since this is a program level EIR, to analyze a worst-case exposure scenario, it was assumed
7 that the closest offsite existing sensitive receptors (residences) are located immediately adjacent
8 to each of the four types of MDP facility projects (storm drain, open channel, debris basin, water
9 quality basins). SCAQMD Localized Significance Thresholds (LST) for PM₁₀ and PM_{2.5} could
10 be exceeded during construction of the water quality and debris basins, but not for the linear
11 facilities such as the storm drains and open channels. There are sensitive receptors in proximity
12 to the debris basins and water quality basins, and the above analysis does show that the debris
13 basin and water quality basin construction could result in localized impacts related to particulate
14 matter to sensitive receptors.
15
16

17 Finding: The Mitigation Measure outlined below would reduce to a less than significant
18 level the Project's impacts to sensitive receptors. The Mitigation Measure reflects changes or
19 alterations that the District has required, or incorporated into, the Project that would avoid or
20 substantially lessen the potentially significant impact as identified in the PEIR. (State CEQA
21 Guidelines §15091(a)(1)).
22

23 Mitigation Measure: Implementation of Mitigation Measure AIR-1 in the Mitigation
24 Monitoring and Reporting Program would reduce this impact to a less than significant level.

25 Mitigation Measure AIR-1 states:

26 For all MDP facilities, to minimize impacts related to particulate matter (PM₁₀ and
27 PM_{2.5}) generation from construction activities, consistent with SCAQMD Rule 403, it is
28 required that fugitive dust generated by grading and construction activities be kept to a

1 minimum with a goal of retaining dust on the site. The contractor shall be required to comply
2 with the applicable provisions of SCAQMD Rule 403 and implement appropriate fugitive dust
3 control measures that may include watering, stabilized construction access to reduce tracking of
4 mud or dirt onto public roads, covering trucks hauling loose materials offsite, and street
5 sweeping.

6
7 *Timing/Implementation: During grading and construction activities*

8 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar and*
9 *contractors*

10 Rationale: Implementation of the above mitigation measure would reduce the Project's
11 impacts to sensitive receptors by requiring, as part of a dust control plan, watering, stabilized
12 construction access to reduce tracking of mud or dirt onto public roads, covering trucks hauling
13 loose materials offsite, and street sweeping, which will prevent significant amounts of
14 particulate matter from being emitted from the site. Therefore, with mitigation, impacts related
15 to the exposure of sensitive receptors to air quality pollutants are anticipated to be less than
16 significant. [DPEIR pp. 4.2-21 through 4.2-25].

18 **B. Biological Resources**

19 **1. Impacts to Special Status Wildlife Species:** Potential impacts to sensitive or
20 special status plant and wildlife species could be significant.

21
22 Finding: Selecting Mitigation Measures from the broad range of measures outlined
23 below would reduce to a less than significant level the Project's impacts to special status wildlife
24 species. The Mitigation Measures reflect changes or alterations that the District may require, or
25 incorporate into, the Project that would avoid or substantially lessen the potentially significant
26 impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

1 Mitigation Measure: Implementation of Mitigation Measure BIO-1 through BIO-3 in the
2 Mitigation Monitoring and Reporting Program would reduce this impact to a less than
3 significant level.

4 Mitigation Measure BIO-1 states:

5 Suitable habitat has been identified within the Project boundary within the NEPSSA,
6 CASSA, and Burrowing Owl Survey Areas (see Table 4.3-4 in the PEIR). All MDP facility
7 alignments and impact footprints shall be reviewed by the District, City of Lake Elsinore, or
8 City of Wildomar during project design in order to determine if suitable habitat conditions have
9 changed from the analysis contained in the PEIR. If no changes have occurred, and no suitable
10 habitat is present for CASSA species, NEPSSA species, or burrowing owls, then no further
11 surveys are needed. For the MDP facilities identified as having suitable habitat on Table 4.3-4 in
12 the PEIR, those facilities will require habitat assessments and focused surveys conducted by a
13 qualified biologist during the appropriate season. If species are found to be present in the
14 footprint, further measures as recommended by the District's, City of Elsinore's, or City of
15 Wildomar's qualified biologist shall be taken to avoid or minimize adverse project effects to
16 these species and their habitat. Per Section 6.3.2 of the MSHCP, the District, City of Lake
17 Elsinore or City of Wildomar shall avoid 90% of the areas providing long-term conservation
18 value for the target species. For burrowing owls, if owls are found in the impact area of an MDP
19 facility, Species Objective 5 from the MSHCP shall be implemented. If avoidance is not
20 feasible, then individual projects will require the approval of a Determination of Biologically
21 Equivalent or Superior Preservation (DBESP) pursuant to the requirements of Section 6.3.2 of
22 the MSHCP including appropriate mitigation, i.e., onsite or offsite enhancement, restoration,
23 establishment (creation), preservation, relocation and/or payment into habitat mitigation banks
24 or in lieu fee programs, or a combination of one or more of these options.
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Timing/Implementation: Design Phase

1 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

2 Mitigation Measure BIO-2 states:

3 In order to comply with the MBTA and California Fish and Wildlife Code, the District,
4 City of Lake Elsinore and/or City of Wildomar shall ensure that site-preparation activities
5 (removal of trees and vegetation) shall be avoided, to the greatest extent possible, during the
6 nesting season (generally February 1st to August 31st) of potentially occurring native and
7 migratory bird species. If site preparation activities are proposed during the nesting/breeding
8 season (generally February 1st to August 31st), a pre-activity field survey shall be conducted by
9 the District's, City of Lake Elsinore's or City of Wildomar's qualified biologist to determine if
10 active nests of species protected by the MBTA or the California Fish and Wildlife Code are
11 present in the construction zone. If active nests are not located within the a future MDP facility
12 alignment and appropriate buffer (i.e., within 500 feet of an active listed species or raptor nest,
13 300 feet of other sensitive or protected bird nests (non-listed), or within 100 feet of sensitive or
14 protected songbird nests), construction may be conducted during the nesting/breeding season.
15 However, if active nests are located during the pre-activity field survey, no grading or heavy
16 equipment activity shall take place within at least 500 feet of an active listed species or raptor
17 nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Wildlife
18 Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the
19 nest is no longer active.
20
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23 *Timing/Implementation: Immediately before site disturbance activities in the*
24 *nesting/breeding season*

25 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

26 Mitigation Measure BIO-3 states:

27 All future MDP facilities within the mapped survey area burrowing owls shall have a
28 qualified biologist conduct a pre-construction survey for resident burrowing owls within 30 days

1 prior to commencement of grading and construction activities. If ground-disturbing activities in
2 these areas are delayed or suspended for more than 30 days after the pre-construction survey,
3 the area shall be resurveyed for owls. Take of active nests shall be avoided. The pre-
4 construction survey and any relocation activity will be conducted following accepted protocols
5 and in coordination with the Regional Conservation Authority (RCA), California Department of
6 Fish and Wildlife (CDFW), and U.S. Fish and Wildlife Service.

8 *Timing/Implementation: Within 30 days prior to commencement of grading and*
9 *construction activities*

10 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

11 Rationale: Implementation of the above mitigation measures would reduce the Project's
12 impacts to special status wildlife by ensuring surveys are conducted during the appropriate
13 season when specific MDP facilities are proposed for design and construction, and to ensure that
14 MSHCP compliance for Section 6.3.2 is attained for future Project implementation.
15 Incorporation of these mitigation measures ensures that when future MDP facilities are
16 proposed, potential impacts to biological resources through compliance with Section 6.3.2 of the
17 MSHCP will be addressed. [DPEIR pp. 4.3-26 through 4.3-29]. Therefore, with mitigation,
18 impacts related to special status wildlife species are anticipated to be less than significant.
19

20
21 It is anticipated that the MDP facilities would be constructed in segments over decades
22 thus a broad range of Mitigation Measures for impacts to special status wildlife species is
23 proposed. The District selected a PEIR because conditions in the field would greatly change
24 over the life of the MDP and it would not be appropriate to prescribe specific Mitigation
25 Measures now for what would likely be very different impacts later. As surveys are proposed to
26 be conducted closer to the time of construction activities, the District can ensure that appropriate
27 project specific Mitigation Measures are selected from the general Mitigation Measures above.
28

1 The measures and supporting analysis would be disclosed to the public through the subsequent
2 CEQA approval process for each individual construction project.

3 **2. Impacts to Sensitive Vegetation Communities Including Riparian Habitat:**

4 Riparian habitat is present within the Project boundary and may be impacted during construction
5 of future MDP facilities. Riparian habitat is identified with special conditions in the Riparian
6 and Riverine Policy Section 6.1.2 of the Western Riverside County Multiple Species Habitat
7 Conservation Plan (MSHCP). This Section of the MSHCP requires identification of
8 riparian/riverine habitats and avoidance of these habitats, where possible. If avoidance is not
9 possible of riparian vegetation, then a mitigation plan which typically includes restoration,
10 creation or enhancement either on or offsite must be provided.

11
12 Finding: Selecting Mitigation Measures from the broad range of measures outlined
13 below would reduce to a less than significant level the Project's impacts to riparian habitat. The
14 broad range of Mitigation Measures reflect changes or alterations that the District may require,
15 or incorporate into, the Project that would avoid or substantially lessen the potentially
16 significant impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

17
18 Mitigation Measure: Implementation of Mitigation Measure BIO-4 and BIO-5 in the
19 Mitigation Monitoring and Reporting Program would reduce this impact to a less than
20 significant level.

21
22 Mitigation Measure BIO-4 states:

23 As Permittees to the MSHCP, the District, City of Lake Elsinore, or City of Wildomar
24 shall ensure that the construction of each future MDP facility shall be compliant with Section
25 6.1.2 of the MSHCP and documented as such. For areas not excluded as artificially created, the
26 MSHCP requires 100% avoidance of riparian/riverine areas. If avoidance is not feasible, then
27 individual projects will require the approval of a Determination of Biologically Equivalent or
28 Superior Preservation (DBESP) including appropriate mitigation, i.e., onsite or offsite

1 enhancement, restoration, establishment (creation), preservation, payment into habitat
2 mitigation banks or in lieu fee programs, or a combination of one or more of these options, to
3 offset the loss of functions and values as they pertain to the MSHCP Covered Species. If
4 riparian vegetation will be impacted, then focused surveys for least Bell's vireo, southwestern
5 willow flycatcher, and western yellow-billed cuckoo will be required if suitable habitat is
6 present. If avoidance is not feasible, then individual projects will require the approval of a
7 DBESP including appropriate mitigation, i.e., onsite or offsite enhancement, restoration,
8 establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee
9 programs, or a combination of one or more of these options.
10

11 *Timing/Implementation: Design Phase*

12 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

13 Mitigation Measure BIO-5 states:

14
15 The District, City of Lake Elsinore, or City of Wildomar shall conduct Project-specific
16 jurisdictional delineations to determine the limits of the U.S. Army Corps of Engineers (ACOE),
17 Regional Water Quality Control Board (RWQCB), and California Department of Fish and
18 Wildlife (CDFW) jurisdiction for the MDP facilities listed in Table 4.3-5. Impacts to
19 jurisdictional waters will need to be verified by the corresponding regulatory agency. If impacts
20 are anticipated, then jurisdictional water will either a) be completely avoided or b) necessary
21 permits from requisite jurisdictions will be obtained. Obtaining permits may include mitigation
22 for impacts, which would most likely include similar mitigation to that offered in a DBESP such
23 as restoration, creation and enhancement of resources in exchange for impacts from the project
24 (same as MM HYDRO-4). The District, the City of Lake Elsinore, or the City of Wildomar shall
25 be responsible for obtaining required regulatory permits for any jurisdictional features prior to
26 ground disturbance.
27
28

Timing/Implementation: Design Phase

1 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

2 Rationale: Implementation of the above mitigation measures would reduce the Project's
3 impacts to riparian habitat by ensuring that construction of future MDP facilities comply with
4 Riparian and Riverine Policy Section 6.1.2 of the MSHCP. Additionally, impacts to resources
5 regulated by the ACOE, RWQCB or CDFW would require regulatory permits and mitigation, if
6 necessary. [DPEIR pp. 4.3-29 through 4.3-30]. Therefore, with mitigation, impacts related to
7 sensitive vegetation communities including riparian habitat are anticipated to be less than
8 significant.
9

10 It is anticipated that the MDP facilities would be constructed in segments over decades
11 thus a broad range of Mitigation Measures for impacts to sensitive vegetation communities
12 including riparian habitat is proposed. The District selected a PEIR because conditions in the
13 field would greatly change over the life of the MDP and it would not be appropriate to prescribe
14 specific Mitigation Measures now for what would likely be very different impacts later. As
15 surveys are proposed to be conducted closer to the time of construction activities, the District
16 can ensure that appropriate project specific Mitigation Measures are selected from the general
17 Mitigation Measures above. The measures and supporting analysis would be disclosed to the
18 public through the subsequent CEQA approval process for each individual construction project.
19
20

21 **3. Impacts to Jurisdictional Local, State or Federal Waters:** Project
22 implementation may result in impacts to jurisdictional water features as defined by federal, state
23 or local regulations.

24 Finding: The Mitigation Measure outlined below would reduce to a less than significant
25 level the Project's impacts to jurisdictional local, state or federal waters. The Mitigation Measure
26 reflects changes or alterations that the District may require, or incorporate into, the Project that
27 would avoid or substantially lessen the potentially significant impact as identified in the PEIR.
28 (State CEQA Guidelines §15091(a)(1)).

1 Mitigation Measure: Implementation of Mitigation Measure BIO-5 in the Mitigation
2 Monitoring and Reporting Program would reduce this impact to a less than significant level.

3 See Mitigation Measure BIO-5 in Section IV (B) (2) of the Findings.

4 Rationale: Implementation of the above mitigation measures would reduce the Project's
5 impacts to jurisdictional local, state or federal waters by ensuring that, once the District, City of
6 Lake Elsinore or City of Wildomar is ready to start preparing design drawings of a specific MDP
7 facility, specific jurisdictional delineations will need to be conducted by a qualified biologist to
8 determine whether features would be subject to the jurisdictions of the ACOE, RWQCB, and
9 CDFW. If regulatory permits are needed for an MDP facility, mitigation may be required as
10 determined by the various regulatory agencies. Typical mitigation for the type of MDP facilities
11 proposed would most likely include a combination of the following: creation of riparian or wetland
12 habitat either within MDP facilities themselves, or off-site, restoration of riparian or wetland habitat,
13 enhancement of habitat, and/or payment of in lieu fees to an established mitigation bank. [DPEIR
14 pp. 4.3-30 through 4.3-31]. Therefore, with mitigation, impacts related to jurisdictional local,
15 state and federal waters are anticipated to be less than significant.

16 It is anticipated that the MDP facilities would be constructed in segments over decades.
17 The District selected a PEIR because conditions in the field would greatly change over the life
18 of the MDP and it would not be appropriate to prescribe specific Mitigation Measures now for
19 what would likely be very different impacts later. As jurisdictional delineations are proposed to
20 be conducted closer to the time of construction activities, the District can ensure that appropriate
21 project specific Mitigation Measures are selected from the general mitigation measure above.
22 The measures and supporting analysis would be disclosed to the public through the subsequent
23 CEQA approval process for each individual construction project.

24 **4. Conflict with Adopted Habitat Conservation Plan, Natural Community**
25 **Conservation Plan, or Local, Regional, or State Habitat Conservation Plan:** The Project is
26
27
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1 located within the MSHCP Plan Area and a portion of the MDP facilities are located in the
2 Criteria Area, specifically within Criteria Cells 5038, 5140, 5240, and 5342. Therefore, potential
3 impacts due to future conflicts with the provisions of the MSHCP could be significant. Per the
4 MSHCP, projects proposed in the Criteria Area are subject to the Joint Project Review (JPR)
5 process through the Regional Conservation Authority. Since this is a Program EIR, there are no
6 specific projects proposed at this time; evaluation of MSHCP consistency through the JPR
7 process of specific impacts for specific alignments will happen when funding is available for
8 specific MDP facility design. Without specificity of the MDP facilities design, timeliness of
9 survey data and mitigation is compromised. The District shall ensure that each subsequent and
10 future MDP facility within the MSHCP Plan area will conduct its own MSHCP consistency
11 analysis.
12

13
14 Finding: Selecting Mitigation Measures from the broad range of measures outlined
15 below would reduce to a less than significant level the Project's impacts to the MSHCP. The
16 broad range of Mitigation Measures reflect changes or alterations that the District may require,
17 or incorporate into, the Project that would avoid or substantially lessen the potentially
18 significant impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).
19

20 Mitigation Measure: Implementation of Mitigation Measures BIO-1, BIO-3, BIO-4 and
21 BIO-6 through BIO-8 in the Mitigation Monitoring and Reporting Program would reduce this
22 impact to a less than significant level.

23 See Mitigation Measure BIO-1 in Section IV (B) (1) of the Findings.

24 See Mitigation Measure BIO-3 in Section IV (B) (1) of the Findings.

25 See Mitigation Measure BIO-4 in Section IV (B) (2) of the Findings.

26 Mitigation Measure BIO-6 states:

27
28 MDP facilities located within MSHCP Criteria Cells will require submittal of a JPR to
the RCA by the District, City of Lake Elsinore, or City of Wildomar as Permittees to the

1 MSHCP for review and approval to illustrate that the MDP facility does not affect the Reserve
2 Assembly, demonstrate consistency with Sections 6.1.2, 6.1.3, 6.1.4, and 6.3.2, and demonstrate
3 that the appropriate surveys and applicable Mitigation Measures (refer to MM BIO-1 through
4 MM BIO-5, and MM BIO-8) have been conducted.

5 *Timing/Implementation: Design Phase*

6 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

7 Mitigation Measure BIO-7 states:

8 A biological resource assessment shall be prepared by a qualified biologist during the
9 design phase of each MDP facility. The biological resource assessment shall include project
10 location, project description, regulatory context, methods for field surveys including weather,
11 dates, and time of surveys, mapping, and results of the biological assessment. Since the Project
12 is located within the Western Riverside County MSHCP Plan Area, the biological resources
13 assessment shall also include a MSHCP Consistency Analysis and Findings pursuant to Sections
14 6.1.2, 6.1.3, 6.3.2, and 6.1.4 of the MSHCP. For MDP facilities located within a Criteria Cell,
15 the biological resource assessment shall be included as part of the JPR application.

16 *Timing/Implementation: Design Phase*

17 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

18 Mitigation Measure BIO-8 states:

19 As Permittees to the MSHCP, the District, City of Lake Elsinore, or City of Wildomar
20 shall ensure where appropriate, future MDP facilities shall be surveyed for vernal pools and/or
21 fairy shrimp habitat and documented as such. For areas not excluded as artificially created, the
22 MSHCP requires 100% avoidance of vernal pools and fairy shrimp habitat. If avoidance is not
23 feasible, then individual projects will require the approval of a DBESP including appropriate
24 mitigation to offset the loss of functions and values as they pertain to the MSHCP covered
25
26
27
28

1 species. Vernal pools and other seasonal ponding depressions will also need to be evaluated for
2 Riverside and Vernal pool fairy shrimp.

3 *Timing/Implementation: Design Phase*

4 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

5 Rationale: Implementation of the above mitigation measures would reduce the Project's
6 impacts to the MSHCP. Future proposed MDP facilities within the MSHCP Criteria Area will
7 be required to submit a JPR to the RCA to demonstrate compliance with 6.1.2, 6.1.3, 6.3.2, 6.1.4
8 of the MSHCP and adhere to the construction guidelines set forth in Section 7.5.3 and Appendix
9 C of the MSHCP. For MDP facilities not in Criteria Cells, it will be up to the Permittee
10 (District, City of Lake Elsinore or City of Wildomar) to prepare the MSHCP Consistency
11 Analysis and Findings pursuant to Sections 6.1.2, 6.1.3, 6.3.2, and 6.1.4 of the MSHCP. [DPEIR
12 pp. 4.3-33 through 4.3-43]. Therefore, with mitigation, impacts related to conflict with adopted
13 habitat conservation plan, natural community conservation plan, or local, regional, or state habitat
14 conservation plan are anticipated to be less than significant.
15
16

17 It is anticipated that the MDP facilities would be constructed in segments over decades
18 thus a broad range of Mitigation Measures for impacts to sensitive vegetation communities
19 including riparian habitat is proposed. The District selected a PEIR because conditions in the
20 field would greatly change over the life of the MDP and it would not be appropriate to prescribe
21 specific Mitigation Measures now for what would likely be very different impacts later. As
22 project specific MSHCP compliance is proposed to be determined closer to the time of
23 construction activities, the District can ensure that appropriate project specific Mitigation
24 Measures are selected from the general Mitigation Measures above. The measures and
25 supporting analysis would be disclosed to the public through the subsequent CEQA approval
26 process for each individual construction project.
27
28

1 **C. Cultural Resources**

2 **1. Impacts to Historical Resources:** Historic resources are known to be present
3 within the Project boundary. Therefore, the Project has the potential to impact historic resources.

4 Finding: Selecting Mitigation Measures from the broad range of measures outlined
5 below would reduce to a less than significant level the Project's impacts to historic resources.
6 The broad range of Mitigation Measures reflect changes or alterations that the District may
7 require, or incorporate into, the Project that would avoid or substantially lessen the potentially
8 significant impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

9 Mitigation Measure: Implementation of Mitigation Measures CUL-1 through CUL-8 in
10 the Mitigation Monitoring and Reporting Program would reduce this impact to a less than
11 significant level.
12

13 Mitigation Measure CUL-1 states:

14 Prior to design of flood control facilities, a cultural resources survey within all areas
15 previously designated as archaeologically and culturally sensitive shall be completed by a
16 qualified archaeologist with participation by the Pechanga Band of Luiseño Indians (Pechanga)
17 Tribe. The survey shall include an updated site records search at the Eastern Information Center
18 (EIC) to locate all previously recorded archaeological sites within the proposed construction
19 area of Master Drainage Plan (MDP) facilities. The survey shall assess the direct and indirect
20 impact of the MDP facility. Consultation with the Pechanga Tribe shall be initiated at the
21 beginning of the survey to request additional site information and requested participation in the
22 Project. If the record search indicates that the area has been surveyed and the study is not older
23 than 5 years, a reconnaissance survey shall verify the condition and location of any previously
24 recorded archaeological sites. If previously recorded sites are relocated during the survey, any
25 changes in site condition shall be documented on appropriate State Department Parks and
26 Recreation (DPR) forms, documented in the final technical study as described further in MM
27
28

1 CUL-3 and submitted to the EIC and the Pechanga Tribe. Any prehistoric or historic sites
2 identified during the survey shall be recorded on appropriate DPR forms, discussed and
3 described in the technical study, and submitted to the EIC and the Pechanga Tribe.

4 *Timing/Implementation: Prior to Final Design*

5 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

6 Mitigation Measure CUL-2 states:

7
8 If the cultural resources survey determines that construction of an MDP facility would
9 potentially impact a prehistoric or historic archaeological site and consultation with the design
10 engineers or other appropriate staff evidences that avoidance is not feasible, the Riverside
11 County Flood Control and Water Conservation District (District), City of Lake Elsinore, or City
12 of Wildomar shall have a qualified archaeologist develop a testing program which can include
13 the excavation of shovel test pits and/or test units, in consultation with the Pechanga Tribe. The
14 testing program shall fully define the boundaries of surface and subsurface materials, evaluate
15 the integrity and significance of the site and collect surface and subsurface artifacts. The
16 program shall include mapping of all site features, artifacts, and excavation locations. Related
17 laboratory work shall be conducted to treat the materials that are recovered from the
18 archaeological investigations in consultation with the Tribe.
19

20
21 If construction of an MDP facility would potentially impact a historic architectural
22 resource structure because the MDP facility cannot be moved to avoid the resource, a survey of
23 the structure by a qualified architectural historian shall be required to assess the structure's
24 significance. A review of primary and secondary documentary sources, such as tax assessor
25 records, historic fire insurance maps, city directories, aerial photographs, and local building
26 permit files, shall be conducted. The assessment shall take into account any events with which
27 the structure is associated, any persons who may have lived in the structure, distinctive
28 architectural characteristics, methods of construction, or association with a notable

1 architect/designer. The assessment by the architectural historian shall recommend to the District,
 2 the City of Lake Elsinore, or the City of Wildomar guidelines to assist in the maintenance,
 3 repair, and renovation of the resource, if applicable.

4 *Timing/Implementation: Design Phase*

5 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

6 Mitigation Measure CUL-3 states:
 7

8 For MDP facilities that have prepared a cultural resources survey per MM CUL-1 and
 9 MM CUL-2 described above, a technical report shall be prepared that documents all of the
 10 information gathered from the survey, data gathered from the testing program of prehistoric or
 11 historic archaeological sites, and consultation efforts with the Pechanga Tribe. The report shall
 12 identify any significant cultural resources and evaluate the potential impacts to those resources,
 13 providing an analysis based upon a regional, landscape viewpoint. If any site evaluated would
 14 be impacted by construction of a proposed component, additional project-specific Mitigation
 15 Measures shall be required to reduce the level of impacts. These Mitigation Measures shall
 16 include one of the following or a combination thereof:
 17

- 18 a. Redesign of the proposed component to avoid the significant cultural
 19 resource, thereby avoiding significant impacts.
- 20 b. A data recovery program to recover sufficient cultural materials to
 21 exhaust the research potential of the site such that construction shall no
 22 longer represent a significant impact.
 23

24 *Timing/Implementation: Design Phase*

25 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

26 Mitigation Measure CUL-4 states:
 27

28 A data recovery program shall be required whenever avoidance from construction of
 MDP facilities has been demonstrated to be infeasible. The data recovery program shall include

1 the excavation of a sufficiently large percentage of a subsurface deposit such that the research
2 potential of the deposit will be exhausted. Typically, a 5% sample of the deposit will be
3 required; however, sample sizes in the data recovery program will be determined on a per site
4 basis in consultation with the Pechanga Tribe. Laboratory analysis and research shall be
5 conducted to catalog all recovered materials and interpret the data. Interpretation of the site and
6 any proposed destructive testing methods shall take into account the traditional beliefs and
7 customs of the Tribe.
8

9 *Timing/Implementation: During Construction Activities*

10 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

11 Mitigation Measure CUL-5 states:

12 Indirect impacts may be identified where construction of MDP facilities would occur
13 adjacent to a significant resource. In cases where construction activities are planned adjacent to
14 known cultural resources, temporary fencing shall be placed around the site boundary by the
15 Project archaeologist and the Pechanga Tribe prior to the start of construction activities to
16 prevent access to the site. All temporary fencing shall be removed once the construction
17 activities are completed.
18

19 *Timing/Implementation: During Construction Activities*

20 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

21 Mitigation Measure CUL-6 states:

22 Ground disturbances associated with construction of proposed MDP facilities that
23 contain recorded archaeological sites identified in the cultural records survey (MM CUL-1 and
24 MM CUL-2) and archaeological sites identified in the technical report (MM CUL-3), regardless
25 of significance, shall be monitored by a qualified archaeologist. Monitoring of construction
26 activities shall ensure that any materials uncovered during construction activities are identified
27 and adequately recorded. If the site is prehistoric, a local Native American observer shall also be
28

1 retained by the District, the City of Lake Elsinore, or the City of Wildomar to monitor
2 construction activities.

3 Not all MDP facilities will be constructed by the District. For District-administered
4 contracts, monitors from the Pechanga Tribe shall be allowed to monitor grading and ground-
5 disturbing activities pursuant to the executed Master Cultural Resources Treatment and Tribal
6 Monitoring Agreement between the Pechanga Tribe and the District. Additionally, the hired
7 contractor would use the District's plans and specifications, which would include all the
8 Mitigation Measures outlined in this section.

10 For MDP facilities located in the cities of Lake Elsinore and Wildomar where those
11 jurisdictions will have lead agency authority over the project constructing the MDP facility, the
12 cities can utilize the Mitigation Measures outlined herein, or prepare its own California
13 Environmental Quality Act (CEQA) document with Mitigation Measures and/or incorporation
14 of conditions of approval in its project approval process that addresses monitoring activities
15 within proximity to recorded archaeological sites.

17 *Timing/Implementation: During Ground Disturbance*

18 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

19 Mitigation Measure CUL-7 states:

20 A pre-construction workshop shall be conducted by a qualified archaeologist for an
21 MDP facility that has required additional cultural resources studies per MM CUL-1 and MM
22 CUL-2 described above and further Mitigation Measures. The workshop shall address the
23 following: review the types of archaeological resources that may be uncovered; provide
24 examples of common archaeological artifacts to examine using replicas whenever possible;
25 describe why monitoring is required; identify monitoring procedures; describe what would
26 temporarily stop construction and for how long; describe a reasonable worst-case resource
27 discovery scenario (i.e., discovery of intact human remains or a substantial midden deposit); and
28

1 describe reporting requirements and the responsibilities of the construction supervisor and crew.
2 The workshop shall make attendees aware of prohibited activities, including unauthorized
3 collecting of artifacts, which can result in impact on cultural resources and which further may
4 violate state and federal law, as well as applicable Mitigation Measures and conditions of
5 approval for this Project.

6 *Timing/Implementation: Pre-Construction*

7 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

8 Mitigation Measure CUL-8 states:

9 The following mitigation measure has been included in order to address accidental
10 discoveries of archaeological resources not identified in cultural resources surveys:

11 In the event cultural resources are encountered during construction of any MDP
12 facilities, work shall stop immediately until a qualified archaeologist is retained to determine the
13 potential significance of the find, if one is not already present. If the resources are prehistoric,
14 the District, the City of Lake Elsinore, or the City of Wildomar shall contact the Pechanga Tribe
15 and abide by the District and Pechanga Master Agreement related to treatment of resources
16 unexpectedly uncovered. Measures per the Master Agreement between the District and the
17 Pechanga Tribe shall include giving all cultural items, including ceremonial items and
18 archaeological items to the Pechanga; waiving ownership of any items found in favor of the
19 Pechanga; no photography shall be taken of any articles found; and no destructive testing shall
20 occur on ceremonial and/or sacred objects and human remains unless permission is granted by
21 the Pechanga Tribe.

22 *Timing/Implementation: During Construction Activities*

23 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

24 Rationale: Implementation of the above mitigation measures would reduce the Project's
25 impacts to the historic resources by ensuring that the appropriate field surveys and analysis are
26

1 conducted and appropriate mitigation strategies are in place if historic resources are discovered on
2 site. [DPEIR pp. 4.4-10 through 4.4-11]. Therefore, with mitigation, impacts related to historical
3 resources are anticipated to be less than significant.

4 It is anticipated that the MDP facilities would be constructed in segments over decades
5 thus a broad range of Mitigation Measures for impacts to historical resources is proposed. The
6 District selected a PEIR because conditions in the field would greatly change over the life of the
7 MDP and it would not be appropriate to prescribe specific Mitigation Measures now for what
8 would likely be very different impacts later. As project specific studies are proposed to be
9 conducted closer to the time of construction activities, the District can ensure that appropriate
10 project specific Mitigation Measures are selected from the general Mitigation Measures above.
11 The measures and supporting analysis would be disclosed to the public through the subsequent
12 CEQA approval process for each individual construction project.

13
14
15 **2. Impacts to Archaeological Resources:** Archaeological resources are known to be
16 present within the Project boundary. Therefore, the Project has the potential to impact
17 archaeological resources.

18 Finding: Selecting Mitigation Measures from the broad range of measures outlined
19 below would reduce to a less than significant level the Project's impacts to archaeological
20 resources. The Mitigation Measures reflect changes or alterations that the District may require,
21 or incorporate into, the Project that would avoid or substantially lessen the potentially
22 significant impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

23
24 Mitigation Measure: Implementation of Mitigation Measures CUL-1 through CUL-8 in
25 the Mitigation Monitoring and Reporting Program would reduce this impact to a less than
26 significant level.

27 See Mitigation Measure CUL-1 in Section IV (C) (1) of the Findings.

28 See Mitigation Measure CUL-2 in Section IV (C) (1) of the Findings.

1 See Mitigation Measure CUL-3 in Section IV (C) (1) of the Findings.

2 See Mitigation Measure CUL-4 in Section IV (C) (1) of the Findings.

3 See Mitigation Measure CUL-5 in Section IV (C) (1) of the Findings.

4 See Mitigation Measure CUL-6 in Section IV (C) (1) of the Findings.

5 See Mitigation Measure CUL-7 in Section IV (C) (1) of the Findings.

6 See Mitigation Measure CUL-8 in Section IV (C) (1) of the Findings.

7
8 Rationale: Implementation of the above mitigation measures would reduce the Project's
9 impacts to the archaeological resources by ensuring that the appropriate field surveys and
10 analysis are conducted and appropriate mitigation strategies are in place if archaeological
11 resources are discovered on site. [DPEIR pp. 4.4-11 through 4.4-12]. Therefore, with mitigation,
12 impacts related to archaeological resources are anticipated to be less than significant.

13
14 It is anticipated that the MDP facilities would be constructed in segments over decades
15 thus a broad range of Mitigation Measures for impacts to archaeological resources is proposed.
16 The District selected a PEIR because conditions in the field would greatly change over the life
17 of the MDP and it would not be appropriate to prescribe specific Mitigation Measures now for
18 what would likely be very different impacts later. As project specific studies are proposed to be
19 conducted closer to the time of construction activities, the District can ensure that appropriate
20 project specific Mitigation Measures are selected from the general Mitigation Measures above.
21 The measures and supporting analysis would be disclosed to the public through the subsequent
22 CEQA approval process for each individual construction project.

23
24 **3. Impacts to Paleontological Resources or Unique Geologic Features:** Portions of
25 the Project area are considered to have high potential of Paleontological Resources. Therefore, the
26 Project has the potential to impact paleontological resources.

27 Finding: Selecting Mitigation Measures from the broad range of measures outlined
28 below would reduce to a less than significant level the Project's impacts to paleontological

resources. The Mitigation Measures reflect changes or alterations that the District may require, or incorporate into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures CUL-9 through CUL-10 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

Mitigation Measure CUL-9 states:

The following Mitigation Measures are provided to reduce potential impacts to paleontological resources to less than significant levels:

A literature search, and/or paleontological resources field survey (or surveys) by a certified paleontologist shall be completed prior to construction of any MDP facility that lie within the High or Undetermined potential sensitivity paleontological resource area. Relevant treatment for the site as recommended by the Society of Vertebrate Paleontology shall be applied, if needed. If the results of such survey (or surveys) identify the presence of potentially significant paleontological resources, avoidance or other appropriate measures (such as excavation, analysis, and interpretation of resources) potentially leading to curation in perpetuity in a facility that meets the standards of the State of California Guidelines for the Curation of Archaeological Collections and 36 CFR 79, shall be implemented.

Timing/Implementation: Pre-Construction and Construction

Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar

Mitigation Measure CUL-10 states:

In the unlikely event that paleontological resources such as vertebrate, plant, or invertebrate fossils are discovered during construction or site disturbance, work shall stop within the area of the discovery and the District, along with possibly the County of Riverside, the City of Lake Elsinore, or the City of Wildomar Planning Department, shall be contacted so that a

1 qualified paleontologist can be consulted to determine the extent or quality of the find and make
2 recommendations for further action, if necessary.

3 *Timing/Implementation: During Construction Activities or Site Disturbance*

4 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

5 Rationale: implementation of the above mitigation measures would reduce the Project's
6 impacts to paleontological resources. Compliance with federal, state, and local regulations
7 pertaining to paleontological resources and compliance with City of Lake Elsinore's Cultural
8 Resources Policy 8.1, at a programmatic level, will prevent future MDP facilities from
9 resulting in significant impacts to paleontological resources. Specific MDP facilities that are
10 proposed for construction in the future must demonstrate that the Project will not result in
11 significant impacts to paleontological resources through implementation of the mitigation
12 measures. [DPEIR pp. 4.4-10 through 4.4-12]. Therefore, with mitigation, impacts related to
13 paleontological resources are anticipated to be less than significant.
14
15

16 It is anticipated that the MDP facilities would be constructed in segments over decades
17 thus a broad range of Mitigation Measures for impacts to paleontological resources is proposed.
18 The District selected a PEIR because conditions in the field would greatly change over the life
19 of the MDP and it would not be appropriate to prescribe specific Mitigation Measures now for
20 what would likely be very different impacts later. As project specific studies are proposed to be
21 conducted closer to the time of construction activities, the District can ensure that appropriate
22 project specific Mitigation Measures are selected from the general Mitigation Measures above.
23 The measures and supporting analysis would be disclosed to the public through the subsequent
24 CEQA approval process for each individual construction project.
25

26 **D. Geology and Soils**

27 **1. Seismic Related Ground Failure, Including Liquefaction:** Seismic related
28 ground failure associated with liquefaction may occur within the Project area.

1 Finding: The Mitigation Measures outlined below would reduce to a less than significant
2 level the Project's impacts associated with seismic related ground failure. The Mitigation
3 Measures reflect changes or alterations that the District has required, or incorporated into, the
4 Project that would avoid or substantially lessen the potentially significant impact as identified in
5 the PEIR. (State CEQA Guidelines §15091(a)(1)).

6 Mitigation Measure: Implementation of Mitigation Measures GEO-1 through GEO-3 in
7 the Mitigation Monitoring and Reporting Program would reduce this impact to a less than
8 significant level.

9 Mitigation Measure GEO-1 states:

10 In order to ensure individual MDP facilities are placed on the least unstable areas, or
11 designed in a way to address any unstable geologic conditions (i.e., liquefaction), grading and
12 earthwork construction shall conform to *Standard Specifications for Public Works Construction*
13 (the "Greenbook") and grading specifications shall be developed by a geotechnical consultant
14 hired by the Riverside County Flood Control and Water Conservation District (District), the
15 City of Lake Elsinore, or the City of Wildomar. Typical earthwork considerations include:

- 16 • Remedial grading requirements for any given site are determined based on a site-
17 specific geotechnical investigation to provide stable ground for any proposed
18 structures. Generally, the upper weathered formational materials or loose soils
19 are removed until dense, relatively "non-compressible" soils (alluvium or
20 Formation materials) are encountered.
- 21 • Topsoil and vegetation layers, root zones, and similar surface materials are
22 typically not suitable for reuse as engineered fill and are normally stripped and
23 either stockpiled for reuse in landscape areas or removed from the site. Most
24 alluvial materials and bedrock materials are considered suitable for reuse as
25 compacted engineer fills. However, excavations in the bedrock materials may

1 generate oversize materials that are difficult to handle in engineered fills.
2 Typically, cobbles and boulders larger than 6 inches in diameter are not placed in
3 structural fill under settlement-sensitive improvements and may require special
4 handling and grading procedures.

5 *Timing/Implementation: Design Phase*

6 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

7 Mitigation Measure GEO-2 states:

8 In order to provide a safe and stable earthfill dam that would be associated with debris
9 basins or water quality basins, during all phases of construction and operation, the following
10 criteria must be met in accordance with the U.S. Department of the Interior, Bureau of
11 Reclamation, *Design of Small Dams* (BOR 1987):
12

- 13 a. The embankment, foundation, abutments, and reservoir rim must be
14 stable and must not develop unacceptable deformations under all loading
15 conditions brought about by construction of the embankment, reservoir
16 operation, and earthquake.
17
- 18 b. Seepage flow through the embankment, foundation, abutments, and
19 reservoir rim must be controlled to prevent excessive uplift pressures;
20 piping; instability; sloughing; removal of material by solutioning; or
21 erosion of material into cracks, joints, or cavities. The amount of water
22 lost through seepage must be controlled so that it does not interfere with
23 planned Project functions.
24
- 25 c. The reservoir rim must be stable under all operating conditions to prevent
26 the triggering of a landslide into the reservoir that could cause a large
27 wave to overtop the dam.
28

- d. The embankment must be safe against overtopping or encroachment of freeboard during occurrence of the IDF (inflow design flood) by the provision of sufficient spillway and outlet works capacity.
- e. Freeboard must be sufficient to prevent overtopping by waves.
- f. Camber should be sufficient to allow for settlement of the foundation and embankment, but not included as part of the freeboard.
- g. The upstream slope must be protected against wave erosion, and the crest and downstream slope must be protected against wind and rain erosion.

Timing/Implementation: Construction and Operation

Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar

Mitigation Measure GEO-3 states:

In order to address risk of seismic activities such as land spreading or slope instability, future proposed MDP facilities will be assessed by the District, the City of Lake Elsinore, or the City of Wildomar through a qualified geologist to determine whether they are located in areas prone to these types of seismic activities. If so, a geotechnical report (field exploration and borings) shall be prepared during the design phase. The geotechnical report shall include a site-specific seismic evaluation to determine the intensity of ground shaking on the specific MDP facility. MDP facilities within a liquefaction hazard zone per the Riverside County General Plan shall also be evaluated for liquefaction-induced settlement. An analysis of lateral spreading affects to properties adjacent to the lake edge and where future MDP facilities are proposed as well as a review to determine whether the potential for landsliding or slope instability exists shall be performed by a qualified geologist and provided to the District during the design phase.

Additionally, future site-specific geologic review shall be performed to determine whether the potential for land sliding or slope instability exist, especially for MDP facilities located on the higher elevations of the Project boundary.

1 *Timing/Implementation: Design Phase*

2 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

3 Rationale: The Project does not propose habitable structures and will therefore not
4 expose humans to substantial adverse risks related to ground-shaking and liquefaction.
5 However, embankments of the debris and water quality basins could potentially fail, creating a
6 possible risk due to flooding if the basins were full at the time. However, pursuant to
7 regulations and the above listed mitigation, any future basins will be designed in compliance
8 with the Greenbook and Department of Water Resources – Division of Safety of Dams (DSOD)
9 regulations, and since the liquefaction and seismic risk will be assessed and remediated prior to
10 construction in compliance with DSOD requirements for dams, impacts to seismic-related
11 ground failure including liquefaction are considered to be less than significant with mitigation
12 incorporated. [DPEIR pp. 4.5-5 through 4.5-6].

13
14
15 **2. Landslides and Mudflows:** Portions of the Project boundary are located within
16 an area of steep slopes (30% and greater) and within an area with documented subsidence.
17 Portions of the Project boundary known to be at risk from landslides, rockfalls, subsidence,
18 and ground fissuring.

19 Finding: The Mitigation Measures outlined below would reduce to a less than significant
20 level the Project's impacts associated with landslides and mudflows. The Mitigation Measures
21 reflect changes or alterations that the District has required, or incorporated into, the Project that
22 would avoid or substantially lessen the potentially significant impact as identified in the PEIR.
23 (State CEQA Guidelines §15091(a)(1)).

24 Mitigation Measure: Implementation of Mitigation Measures GEO-2 and GEO-3 in the
25 Mitigation Monitoring and Reporting Program would reduce this impact to a less than
26 significant level.
27
28

See Mitigation Measure GEO-2 in Section IV (D) (1) of the Findings.

1 See Mitigation Measure GEO-3 in Section IV (D) (1) of the Findings.

2 Rationale: Implementation of the above Mitigation Measures would reduce the Project's
3 impacts associated with landslides and mudflows by ensuring that the dams will be designed in
4 accordance with DSOD guidelines and the MDP facilities will be designed in accordance with the
5 Greenbook. In addition, the District will assess each MDP facility, especially those in the sloped
6 areas of the Project boundary, by preparing a project-specific geotechnical analysis. Therefore,
7 impacts related to landslides and mudflows will be mitigated to less than significant. [DPEIR pp.
8 4.5-6 through 4.5-7].
9

10 **3. Unstable Geologic Features:** Portions of the Project are located within an area
11 with steep slopes (30% and greater) and within an area with documented subsidence. Lateral
12 spreading is also a risk within the Project boundary, given the seismic constraints. Areas of the
13 Project area are also known to be at risk from landslides, rock falls, subsidence, and ground
14 fissuring.
15

16 Finding: The Mitigation Measures outlined below would reduce to a less than significant
17 level the Project's impacts associated with unstable geologic features. The Mitigation Measures
18 reflect changes or alterations that the District has required, or incorporated into, the Project that
19 would avoid or substantially lessen the potentially significant impact as identified in the PEIR.
20 (State CEQA Guidelines §15091(a)(1)).
21

22 Mitigation Measure: Implementation of Mitigation Measures GEO-1 through GEO-3 in
23 the Mitigation Monitoring and Reporting Program would reduce this impact to a less than
24 significant level.

25 See Mitigation Measure GEO-1 in Section IV (D) (1) of the Findings.

26 See Mitigation Measure GEO-2 in Section IV (D) (1) of the Findings.

27 See Mitigation Measure GEO-3 in Section IV (D) (1) of the Findings.
28

1 Rationale: implementation of the above Mitigation Measures would reduce the Project's
2 impacts associated with unstable geologic features by requiring each MDP facility to adhere to
3 the recommendations of the project-specific geological study and comply with the Greenbook in
4 order to reduce potentially significant impacts. Future dams under the jurisdiction of the DSOD
5 would be required to comply with the DSOD statutes and regulations. [DPEIR pp. 4.5-7 through
6 4.5-8].
7

8 **E. Hazards and Hazardous Materials**

9 1. **Hazardous Material Sites**: Hazardous material sites are located within the Project
10 boundary. In addition, individual MDP facilities may not be constructed for years and the status
11 of hazardous sites and current hazardous permit holders may change.

12 Finding: Selecting Mitigation Measures from the broad range of measures outlined
13 below would reduce to a less than significant level the Project's impacts associated with
14 hazardous material sites. The broad range of Mitigation Measures reflect changes or alterations
15 that the District may require, or incorporate into, the Project that would avoid or substantially
16 lessen the potentially significant impact as identified in the PEIR. (State CEQA Guidelines
17 §15091(a)(1)).
18

19 Mitigation Measure: Implementation of Mitigation Measures HAZ-1 through HAZ-5 in
20 the Mitigation Monitoring and Reporting Program would reduce this impact to a less than
21 significant level.
22

23 Mitigation Measure HAZ-1 states:

24 As part of the final design of each Master Drainage Plan (MDP) facility, the design
25 engineer or designee shall check the MDP facility alignments for any properties or nearby
26 properties listing on the most recent Hazardous Waste and Substance List provided by the
27 Riverside County Department of Environmental Health pursuant to Section 65962.5 of the
28 Government Code. Also, before proposed MDP facilities are constructed, the proponent should

1 generate a report from Enviromapper, GeoTracker, and EnviroStor to ensure no new waste sites
2 with reported releases have been documented within proximity to the facilities. If the location of
3 said MDP facility is on the Hazardous Waste and Substances List, Enviromapper, GeoTracker,
4 or EnviroStor, avoidance of that property or properties will be the first consideration; if
5 avoidance is infeasible, MM HAZ-2 shall be implemented.

6 *Timing/Implementation: Design Phase*

7 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

8 Mitigation Measure HAZ-2 states:
9

10 If the selected MDP facility traverses a site listed on the Hazardous Waste and
11 Substances List, Enviromapper, GeoTracker, or EnviroStor, and avoidance is not feasible or if
12 there are other indications that a site could be contaminated, a Phase I Environmental Site
13 Assessment (ESA) for the MDP facility will be prepared by a consultant hired by the Riverside
14 County Flood Control and Water Conservation District (District), the City of Lake Elsinore, or
15 the City of Wildomar. If the Phase I ESA prepared pursuant to the current ASTM standards
16 identifies possible contamination along the MDP facility alignment, then all recommended
17 subsurface investigation measures listed in the Phase I ESA will be implemented by the District,
18 the City of Lake Elsinore, or the City of Wildomar. Based on subsurface investigations
19 characterizing subsurface contamination, remediation measures (such as excavation of
20 contaminated soil, bioremediation, or soil-vapor extraction), shall be implemented for the
21 applicable MDP facility or an alternative facility alignment will be chosen. The District, the
22 City of Lake Elsinore, or the City of Wildomar shall be responsible for reviewing and
23 complying with the recommendations of the Phase I ESA.

24 *Timing/Implementation: Design Phase*

25 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

26 Mitigation Measure HAZ-3 states:
27
28

1 All environmental investigation and/or remediation shall be conducted under a work
2 plan approved by jurisdictional regulatory agencies overseeing hazardous waste cleanups until
3 the applicable regulatory standard is met.

4 *Timing/Implementation: Prior to Ground Disturbing Activities*

5 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

6 Mitigation Measure HAZ-4 states:
7

8 Prior to any excavation, grading activities, or soil removal on known contaminated sites,
9 or if contaminated soil (i.e., soil with visible sheen or detectable odor) is encountered during
10 construction, a complete characterization of the soil will be conducted by qualified personnel
11 hired by the District, the City of Lake Elsinore, or the City of Wildomar Prior to the disposal of
12 excavated materials, soil sampling shall be conducted in accordance with the County of
13 Riverside Department of Environmental Health Site Assessment and Cleanup, Corrective
14 Action Guidelines document (County of Riverside 2007). The guidelines set forth the number of
15 samples to be collected per volume of stockpiled soil (i.e., two random samples from stockpiles
16 less than 10 cubic yards); sample analytical methods depend on the current and historical
17 property use and known contamination. If the soil is contaminated, it shall be properly disposed
18 of according to California's Land Disposal restrictions (22 CCR 19). If site remediation involves
19 the removal of contamination, then contaminated material shall be transported offsite by a
20 licensed handler/hauler to a licensed hazardous waste disposal facility.
21

22 *Timing/Implementation: Prior to Excavation, Grading Activities, or Soil Removal*

23 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

24 Mitigation Measure HAZ-5 states:
25

26 If during construction of a specific MDP facility, soil and/or groundwater contamination
27 is suspected, construction in the area of the suspected contamination shall cease and appropriate
28 health and safety measure shall be implemented. The construction contractor shall contact the

1 respective jurisdictional enforcement agency (i.e., City of Lake Elsinore, City of Wildomar,
2 County of Riverside) to obtain the necessary information on appropriate measures and their
3 implementation. The measures recommended by the applicable enforcement agency will be
4 implemented.

5 *Timing/Implementation: During Construction Activities*

6 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

7 Rationale: Implementation of the above mitigation measures would reduce the Project's
8 impacts associated with unstable hazardous material sites by requiring each MDP facility to
9 conduct the appropriate database searches and ensuring appropriate mitigation strategies are in
10 place if hazardous materials are discovered. Also, all work on MDP facilities shall be performed
11 under a site-specific health and safety plan and in compliance with applicable OSHA
12 regulations, particularly those in 29 CFR 1910.120, and other applicable federal, state, and local
13 laws, regulations, and statutes. Future subcontractors are responsible for developing,
14 maintaining, and implementing their own health and safety programs, policies, procedures, and
15 equipment as necessary to protect their workers, and others, from their activities. [DPEIR p. 4.7-
16 9]. Therefore, with mitigation, impacts related to hazardous material sites are anticipated to be
17 less than significant.

18
19 It is anticipated that the MDP facilities would be constructed in segments over decades
20 thus a broad range of Mitigation Measures for impacts from hazardous material sites is
21 proposed. The District selected a PEIR because conditions in the field would greatly change
22 over the life of the MDP and it would not be appropriate to prescribe specific Mitigation
23 Measures now for what would likely be very different impacts later. As project specific studies
24 are proposed to be conducted closer to the time of construction activities, the District can ensure
25 that appropriate project specific Mitigation Measures are selected from the general Mitigation
26
27
28

1 Measures above. The measures and supporting analysis would be disclosed to the public
2 through the subsequent CEQA approval process for each individual construction project.

3 **F. Hydrology and Water Quality**

4 **1. Violate Water Quality Standards or Waste Discharge Requirements:** The
5 proposed MDP facilities will reduce flooding from stormwater and urban runoff currently
6 experienced within the Project boundary. The proposed drainage facilities themselves will not
7 generate or create a significant increase in runoff or stormwater pollutants. Proposed detention
8 basins will allow for some sediment transported in stormwater runoff to settle out over time, and
9 will attenuate peak-flow rates from storm events. Proposed water quality basins will reduce
10 stormwater pollutant discharges by reducing peak flows, allowing for settlement, infiltration
11 and/or use of filter media. Proposed storm drains and channels would route stormwater from the
12 canyons around potential pollutant sources in residential and commercial areas. In the long
13 term, the MDP facilities may require maintenance to remove vegetation that could clog or
14 hamper stormwater flow. Herbicides could be used in maintenance activities to control
15 vegetation that might grow in open channels.

16 Finding: The Mitigation Measures outlined below would reduce to a less than significant
17 level the Project's impacts associated with violation of water quality standards or waste
18 discharge requirements. The Mitigation Measures reflect changes or alterations that the District
19 has required, or incorporated into, the Project that would avoid or substantially lessen the
20 potentially significant impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

21 Mitigation Measure: Implementation of Mitigation Measures HYDRO-1 through
22 HYDRO-3 in the Mitigation Monitoring and Reporting Program would reduce this impact to a
23 less than significant level.

24 Mitigation Measure HYDRO-1 states:
25
26
27
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1 During any construction or maintenance activities that require ground disturbance for
2 future Master Drainage Plan (MDP) facilities, the Riverside County Flood Control and Water
3 Conservation District (District), County of Riverside, and Cities of Lake Elsinore and Wildomar
4 shall comply with the current statewide Construction General Permit for projects resulting in
5 land disturbances of 1 acre. Where projects result in disturbance to less than 1 acre of land, the
6 District, County of Riverside, and Cities of Lake Elsinore and Wildomar shall comply with the
7 local grading ordinance and install best management practices (BMPs) to ensure that sediment is
8 not transported beyond the Project limits or into sensitive areas such as wetlands and water
9 bodies. A De Minimus discharge shall be obtained from the Regional Water Quality Control
10 Board (RWQCB) when required for dewatering activities.
11

12 *Timing/Implementation: During Construction or Maintenance Activities*

13 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

14 Mitigation Measure HYDRO-2 states:
15

16 Future landscape maintenance activities using pesticides (i.e., herbicides or rodenticides)
17 around the MDP facilities shall be phosphorus and nitrogen free or be in conformance with the
18 phosphorus and nitrogen Total Maximum Daily Loads (TMDLs) outlined in the 303(d) list for
19 Lake Elsinore.
20

21 *Timing/Implementation: During Landscape Maintenance Activities*

22 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

23 Mitigation Measure HYDRO-3 states:
24

25 Prior to construction of future MDP facilities that may be located in waters of the United
26 States or waters of the state, the District, County of Riverside, and Cities of Lake Elsinore and
27 Wildomar shall obtain all necessary permits to comply with the federal Clean Water Act (CWA)
28 state discharge permitting requirements, 404 Permits, 401 Permits, 1602 Permits, and California
Porter-Cologne Water Quality Control Act permit. Restoration, enhancement, or creation may

1 be required as a result of these regulatory permits and could include such activities on MDP
2 facilities (such as within basins) or could occur offsite, but within the same watershed.
3 Mitigation ratios shall be determined at the time specific MDP facilities are proposed for
4 construction in the future.

5 *Timing/Implementation: Pre-Construction*

6 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

7 Rationale: Implementation of the above Mitigation Measures would reduce the Project's
8 impacts associated with violation of water quality standards or waste discharge requirements.
9 Future construction and maintenance of MDP facilities will have to conform to TMDLs with
10 regards to exceeding any runoff requirements for pollutants of concern for Lake Elsinore.
11 Activities relating to the construction of the MDP facilities will be regulated by the RWQCB
12 under the NPDES MS4 permit program at the time future development projects are approved
13 within the Project boundary. Stormwater Pollution Protection Plans (SWPPPs) and Best
14 Management Practices (BMPs) will also be incorporated in accordance with RWRCB General
15 Permit for Construction Activities and NPDES Municipal Stormwater Management Program,
16 respectively. The RWQCB may regulate portions of the Project under the Porter-Cologne Water
17 Quality Control Act or Section 401 of the CWA. Through the development review process,
18 Riverside County and the Cities of Lake Elsinore and Wildomar would have to comply with
19 various statutory requirements necessary to achieve regional water quality objectives and protect
20 groundwater and surface waters from polluted stormwater runoff. Therefore, with the
21 implementation of the identified mitigation and required compliance with the identified regulations,
22 impacts related to violates of water quality standards or waste discharge requirements will be
23 mitigated to less than significant. [DPEIR pp. 4.8-14 through 4.8-16].

24 **2. Substantial Discharges of Typical Stormwater Pollutants or Substantial**
25 **Changes to Water Quality:** The Project will result in the future construction, operation and
26

1 maintenance of a storm drain system and will not create new sources of stormwater pollution.
2 The storm drain system is designed to collect and convey stormwater runoff emanating from the
3 surrounding developed areas. This runoff is expected to contain various stormwater pollutants in
4 amounts that are typically found in stormwater runoff emanating from urbanized areas.

5 Finding: The Mitigation Measure outlined below would reduce to a less than significant
6 level the Project's impacts associated with discharges of typical stormwater pollutants or
7 substantial changes to water quality. The Mitigation Measure reflects changes or alterations that
8 the District has required, or incorporated into, the Project that would avoid or substantially
9 lessen the potentially significant impact as identified in the PEIR. (State CEQA Guidelines
10 §15091(a)(1)).
11

12 Mitigation Measure: Implementation of Mitigation Measure HYDRO-1 in the Mitigation
13 Monitoring and Reporting Program would reduce this impact to a less than significant level.
14

15 See Mitigation Measure HYDRO-1 in Section IV (F) (1) of the Findings.

16 Rationale: Implementation of the above Mitigation Measures would reduce the Project's
17 impacts associated with discharges of typical stormwater pollutants or substantial changes to
18 water quality. The discharge of pollutants will be minimized through implementation of the
19 NPDES MS4 permits, which requires that the District, County of Riverside, and Cities of Lake
20 Elsinore and Wildomar implement BMPs and SWPPP when appropriate. [DPEIR p. 4.8-17]. In
21 addition, the Project includes water quality basins, which will significantly lessen the amount of
22 pollutants reaching Lake Elsinore. Therefore, impacts related to stormwater pollutants and water
23 quality will be mitigated to less than significant.
24

25 **3. Substantially Alter Drainage Patterns, Including a Watercourse or Wetland,**
26 **Resulting in Erosion or Siltation:** The construction of MDP facilities has the potential to alter
27 drainage patterns in such a manner which would result in siltation on- site.
28

1 Finding: The Mitigation Measures outlined below would reduce to a less than significant
2 level the Project's impacts associated with alteration of a drainage pattern resulting in erosion.
3 The Mitigation Measures reflect changes or alterations that the District has required, or
4 incorporated into, the Project that would avoid or substantially lessen the potentially significant
5 impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

6 Mitigation Measure: Implementation of Mitigation Measures HYDRO-1 and HYDRO-4
7 in the Mitigation Monitoring and Reporting Program would reduce construction impacts to a
8 less than significant level.

9 See Mitigation Measure HYDRO-1 in Section IV (F) (1) of the Findings.

10 Mitigation Measure HYDRO-4 states:

11 Project-specific jurisdictional delineations will be required to determine the limits of the
12 U.S. Army Corps of Engineers (ACOE), RWQCB, and California Department of Fish and
13 Wildlife (CDFW) jurisdiction for the MDP facilities listed in Table 4.3-5 of the PEIR. Impacts
14 to jurisdictional waters will need to be verified by the corresponding regulatory agency. If
15 impacts are anticipated, then either a) jurisdictional water will be completely avoided or b)
16 necessary permits from requisite jurisdictions will be obtained. Obtaining permits may include
17 mitigation for impacts, which would most likely include similar mitigation to that offered in a
18 Determination of Biologically Equivalent or Superior Preservation (DBESP) such as restoration,
19 creation and enhancement of resources in exchange for impacts from the project (same as MM
20 BIO-5).

21 *Timing/Implementation: Design Phase*

22 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

23 Rationale: The debris basins would be constructed to improve the flow conveyance
24 conditions of the downstream channels and storm drains in order to reduce the potential for
25 flooding and minimize long-term maintenance costs. Implementation of the above Mitigation
26

1 Measures would reduce the Project's construction impacts associated with alteration of a
2 drainage pattern resulting in erosion through compliance with regulatory permits associated with
3 modifications to any natural drainages or wetlands that may be considered jurisdictional,
4 compliance with the NPDES permitting program and incorporation of appropriate BMPs.
5 [DPEIR pp. 4.8-18 through 4.8-20]. In addition, The MDP facilities would be constructed to
6 improve flow conveyance conditions in order to reduce the potential for flooding. Sediment
7 removal during maintenance activities of the debris basins would also restore the flow
8 conveyance. Proposed sediment removal activities would include ground-disturbing activities
9 that would occur primarily during the dry-season, avoiding or minimizing the potential for
10 flooding. Therefore, impacts related to erosion or siltation will be reduced to less than
11 significant.
12

13 **4. Substantially Alter Drainage Patterns Resulting in Flooding:** The MDP will
14 act as a guide for the location and size of drainage facilities and basins needed to resolve
15 existing flooding problems within the developed areas. The implementation of the MDP will
16 mitigate for existing flooding issues occurring in the Lakeland Village area; the Project will not
17 create flooding. However, during construction there may be a risk from flooding. Natural
18 drainages that are considered jurisdictional may be modified by the Project and there may be a
19 risk from flooding during construction.
20

21 Finding: The Mitigation Measures outlined below would reduce to a less than significant
22 level the Project's impacts associated with alteration of a drainage pattern resulting in flooding.
23 The Mitigation Measures reflect changes or alterations that the District has required, or
24 incorporated into, the Project that would avoid or substantially lessen the potentially significant
25 impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).
26
27
28

Mitigation Measure: Implementation of Mitigation Measures HYDRO-1 and HYDRO-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure HYDRO-1 in Section IV (F) (1) of the Findings.

See Mitigation Measure HYDRO-4 in Section IV (F) (3) of the Findings.

Rationale: Implementation of the above Mitigation Measures would reduce the Project's impacts associated with alteration of a drainage pattern during construction resulting in flooding to less than significant level through compliance with regulatory permits associated with modifications to any natural drainages or wetlands that may be considered jurisdictional, compliance with the NPDES permitting program and incorporation of appropriate BMPs. [DPEIR pp. 4.8-18 through 4.8-20].

G. Transportation and Traffic

1. Impacts on the Performance of the Circulation System: The Project could temporarily increase traffic levels during construction and maintenance activities of the MDP facilities with the use of construction vehicles and temporary street, shoulder, bike lanes and sidewalk closures. In addition, construction of future MDP facilities could be located within areas under the jurisdiction of the Riverside County Transportation Department and Caltrans.

Finding: The Mitigation Measures outlined below would reduce to a less than significant level the Project's impacts associated with the performance of a circulation system. The Mitigation Measures reflect changes or alterations that the District has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the PEIR. (State CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures TRANS-1 through TRANS-3 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

1 Mitigation Measure TRANS-1 states:

2 To reduce traffic congestion or disruption that may occur during individual Master
3 Drainage Plan (MDP) facility construction or maintenance activities, especially the MDP
4 facilities located within existing road alignments, prior to construction, the Riverside County
5 Flood Control and Water Conservation District (District), City of Lake Elsinore, City of
6 Wildomar, or developers shall prepare a Traffic Control Plan. The Traffic Control Plan will
7 detail and coordinate all traffic movement through the project area and will be implemented
8 throughout project construction. The Traffic Control Plan will also ensure that private property
9 and emergency access will be maintained at all times. Methods to maintain access may include,
10 but are not limited to: temporary bridge crossings (i.e., steel plates or structural design bridges)
11 for all driveway entrances to be closed to vehicular access for any period exceeding 4 hours; use
12 of construction signs, barricades and delineators; and the use of flaggers during construction. All
13 work proposed by the District, City of Lake Elsinore, City of Wildomar, or developers, within
14 state right-of-way requires lane and shoulder closure charts. Also, all roadway features such as
15 signs, pavement delineation, roadway surface, etc. within the State right-of-way must be
16 protected, maintained in a temporary condition, and/or restored by the District, City of Lake
17 Elsinore, City of Wildomar, or developers. The Traffic Control Plan shall be prepared in
18 accordance with the California Department of Transportation (Caltrans) *Manual of Traffic*
19 *Controls for Construction and Maintenance Work Zones*. If work requires complete road
20 closure, then the public shall be notified within 10 days of that closure.
21
22
23

24 *Timing/Implementation: Pre-Construction*

25 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

26 Mitigation Measure TRANS-2 states:

27 In order to address potential impacts along State Route (SR) 74, the District, City of
28 Lake Elsinore, City of Wildomar, or developer shall obtain an Encroachment Permit from

Caltrans for any project activities within SR 74 including but not limited to alterations to existing improvements and conform to current Caltrans design standards and construction practices.

Timing/Implementation: Pre-Construction

Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar

Mitigation Measure TRANS-3 states:

In order to ensure that construction activities within SR 74 conform to current Caltrans design standards and construction practices, prior to encroachment permit issuance, the District, City of Lake Elsinore, City of Wildomar, or developers shall submit street, grading and drainage construction plans to Caltrans for review and approval.

Timing/Implementation: Prior to Encroachment Permit Issuance

Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar

Rationale: Implementation of the above Mitigation Measures would reduce the Project's impacts associated with the performance of a circulation system by requiring the preparation of a Traffic Control Plan and an encroachment permit from Caltrans prior to construction. The Traffic Control Plan will detail and coordinate all traffic movement through the project area helping to ensure traffic is not unduly impacted during construction. The plan will also ensure that private property and emergency access will be maintained at all times. Once the facilities are operational, no traffic-related impacts would be anticipated. Implementation of the identified mitigation will ensure impacts related to traffic due to construction and/or maintenance of the facilities will remain less than significant. [DPEIR pp. 4.10-4 through 4.10-6].

2. Conflict with Congestion Management Plan: The Project could temporarily increase traffic levels during construction and maintenance activities of the MDP facilities with the use of construction vehicles and temporary street, shoulder, bike lanes and sidewalk closures.

1 Finding: The Mitigation Measure outlined below would reduce to a less than significant
 2 level the Project's potential conflict with a congestion management plan. The Mitigation
 3 Measure reflects changes or alterations that the District has required, or incorporated into, the
 4 Project that would avoid or substantially lessen the potentially significant impact as identified in
 5 the PEIR. (State CEQA Guidelines §15091(a)(1)).

6
 7 Mitigation Measure: Implementation of Mitigation Measure TRANS-1 in the Mitigation
 8 Monitoring and Reporting Program would reduce this impact to a less than significant level.

9 See Mitigation Measure TRANS-1 in Section IV (G) (1) of the Findings.

10 Rationale: Implementation of the above Mitigation Measures would reduce the Project's
 11 potential conflict with a congestion management plan by requiring a Traffic Control Plan
 12 addressing potential congestion, traffic flows, and detours. In addition, the MDP will be in
 13 compliance with the County of Riverside's CMP and Caltrans design standards and guidelines.
 14 Once the facilities are operational, no traffic-related impacts would be anticipated. See Section
 15 IV (G)(1) of the findings for additional detail. Therefore, with mitigation the Project will not
 16 conflict with a congestion management plan during construction and impacts will remain less
 17 than significant. [DPEIR p. 4.10-6].

18
 19 **3. Impacts on Public Transit, Bicycle, or Pedestrian Facilities:** Future proposed
 20 MDP facilities would involve construction and maintenance along roadways, specifically
 21 Grand Avenue, traveled by RTA buses. As such, temporary impacts to the existing bus routes
 22 may occur due to temporary street and lane closures/detour. Temporary impacts to bicycle
 23 routes and pedestrian walkways could also occur during construction and maintenance
 24 activities, due to temporary street, shoulder, and sidewalk closures/detour.

25
 26 Finding: The Mitigation Measure outlined below would reduce to a less than significant
 27 level the Project's impacts on public transit, bicycle, or pedestrian facilities. The Mitigation
 28 Measure reflects changes or alterations that the District has required, or incorporated into, the

1 Project that would avoid or substantially lessen the potentially significant impact as identified in
 2 the PEIR. (State CEQA Guidelines §15091(a)(1)).

3 Mitigation Measure: Implementation of Mitigation Measure TRANS-1 in the Mitigation
 4 Monitoring and Reporting Program would reduce this impact to a less than significant level.

5 See Mitigation Measure TRANS-1 in Section IV (G) (1) of the Findings.

6 Rationale: Implementation of the above Mitigation Measures would reduce the Project's
 7 potential conflict with a congestion management plan by requiring a Traffic Control Plan that
 8 will address bus routes or other transportation modes in the affected area. Once constructed,
 9 the MDP facilities would not impact RTA's ability to continue service within the Project
 10 boundary and all bicycles and pedestrian pathways would be returned to pre-construction
 11 conditions. Therefore, with mitigation, any impacts related to public transportation, bicycle,
 12 pedestrian, or other similar facilities would remain less than significant. [DPEIR p. 4.10-7].
 13
 14

15 SECTION V

16 FINDINGS REGARDING ENVIRONMENTAL IMPACTS

17 NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

18 Notwithstanding the existing regulations, standard conditions that the District imposes
 19 on construction/maintenance projects, and the Mitigation Measures set forth in the Mitigation
 20 Monitoring and Reporting Program for the Project, the impacts discussed in this Section V
 21 cannot be fully mitigated to a less than significant level. For each impact that is determined to
 22 be significant and unavoidable, a Statement of Overriding Considerations has been prepared for
 23 that impact and is set forth in Section IX of this Resolution below.
 24

25 **A. Aesthetics**

26 **1. Substantially Adversely Affect a Scenic Vista:** Several of the MDP facilities
 27 have the potential to impact scenic vistas, namely the debris basins. The proposed debris basin
 28 embankments are expected to range in height from 10 feet to 36 feet and at these heights could

1 impact scenic views of the Santa Ana Mountains and surrounding areas. The majority of the
2 proposed underground storm drainages and open channels will be located within existing street
3 rights-of-way and developed/disturbed areas and not in areas that are the focus of the scenic
4 resources in the area.

5 Finding: The Board finds that the impact to scenic vistas would be long-term, adverse,
6 and is not expected to be mitigated to a less than significant level with implementation of
7 feasible Mitigation Measures. No feasible mitigation is available to reduce this impact to a less
8 than significant level and this impact would remain significant and unavoidable. (State CEQA
9 Guidelines §15091(a)(3)). Consequently, a Statement of Overriding Considerations would be
10 necessary should the Board wish to approve the Project. (State CEQA Guidelines §15093).

11 Mitigation Measure: Impacts related to scenic vistas and visual character have been
12 found to be significant since aesthetic values are subjective, and once built, some of the above-
13 ground facilities, such as the debris and water quality basins, would change the natural scenic
14 conditions. There are no feasible Mitigation Measures that could be implemented to reduce or
15 minimize these impacts to scenic resources from the basin embankments. The Project already
16 includes landscaping as part of Project design for the basins and their embankments so that the
17 MDP facilities blend into the surroundings as much as possible. The other MDP facilities either
18 are above-ground or will be at grade level (i.e., the open channels), so those MDP facilities
19 would not affect views. Given that the basins' embankments themselves are the reason for the
20 visual impact, no mitigation is proposed.

21 Rationale: The proposed basins will alter the existing scenic conditions that residents in
22 the immediate areas currently experience. Although most of the proposed basins and their
23 embankments will be contoured and landscaped to blend in with the natural scenery as much as
24 possible, they do still provide a change from the natural scenic condition that could be
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1 considered significant to some residents. For the reasons discussed above, there would be
2 significant and unavoidable impacts to scenic vistas. [DPEIR pp. 4.1-5 through 4.1-8].

3 **2. Substantially Degrade the Existing Visual Character or Quality of the Site**
4 **and its Surroundings:** During construction, exposed surfaces, construction debris, and
5 construction equipment may temporarily affect the aesthetic quality of the immediate area.
6 Overall, the proposed MDP open channels, debris basins on the hillsides, and water quality
7 basins may be visible and could have a substantial adverse effect on a scenic vista. Build out of
8 the basins would remove some trees and bushes, along with changing the views of the hills at
9 the bottom of the Santa Ana Mountains, which are currently viewed by residences.
10

11 Finding: The Board finds that the impact to the existing visual character or quality of the
12 site and its surroundings would be long-term, adverse, and is not expected to be mitigated to a
13 less than significant level with implementation of feasible Mitigation Measures. No feasible
14 mitigation is available to reduce this impact to a less than significant level and this impact
15 would remain significant and unavoidable. (State CEQA Guidelines §15091(a)(3)).
16 Consequently, a Statement of Overriding Considerations would be necessary should the Board
17 wish to approve the Project. (State CEQA Guidelines §15093).
18

19 Mitigation Measure: Impacts related to scenic vistas and visual character have been
20 found to be significant since aesthetic values are subjective, and once built, some of the above-
21 ground facilities such as the debris and water quality basins would change the natural scenic
22 conditions. There are no feasible Mitigation Measures that could be implemented to reduce or
23 minimize these impacts to scenic resources from the basins. The Project already includes
24 landscaping as part of project design for the basins so that the MDP facilities blend into the
25 surroundings as much as possible. The other MDP facilities either are underground or will be at
26 grade level (i.e., the open channels), so those MDP facilities would not affect views. Given that
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28

1 the basin embankments themselves are the reason for the visual impact, no mitigation is
2 proposed.

3 Rationale: When construction is complete, the underground MDP facilities will not be
4 visible. However, open channels, debris basins located on the hillsides, and water quality basins
5 will be visible to the public and nearby property owners. The proposed features would be
6 located on vacant disturbed or undisturbed land, and would, from most vantage points, be
7 hidden by natural and man-made features of the natural and built environment. However,
8 although the basins would be designed to be contoured and landscaped to blend into the existing
9 surroundings as much as possible, nevertheless, the visual character of the surroundings will be
10 affected by the Project. For the reasons discussed above, there would be significant and
11 unavoidable cumulative impacts to visual character or quality of the site and its surroundings.
12 [DPEIR pp. 4.1-8 through 4.1-9].
13

14 **B. Air Quality**

15 **1. Violate any Air Quality Standard or Contribute Substantially to an Existing**
16 **or Projected Air Quality Violation:** Construction of the MDP facilities would result in a
17 temporary addition of pollutants to the local air basin caused by soil disturbance, dust emissions,
18 and combustion pollutants from onsite construction equipment, as well as from personal vehicles,
19 vendor trucks (e.g., concrete trucks), and offsite trucks hauling construction materials.
20 Construction emissions can vary substantially from day to day, depending on the level of activity,
21 the specific type of operation, and, for dust, the prevailing weather conditions. Fugitive dust
22 emissions would primarily result from grading and site preparation activities. NO_x and CO
23 emissions would primarily result from the use of construction equipment and motor vehicles.
24 Construction NO_x emissions associated with the project would be significant while operation and
25 maintenance NO_x emissions would remain less than significant. Construction, operation and
26 maintenance emissions of all other pollutants would remain less than significant.
27
28

1 Finding: The Board finds that the impact associated with construction exceeding the
2 maximum daily emissions of NOx is not expected to be mitigated to a less than significant level
3 with implementation of feasible Mitigation Measures. No feasible mitigation is available to
4 reduce this impact to a less than significant level and this impact would remain significant and
5 unavoidable. (State CEQA Guidelines §15091(a)(3)). Consequently, a Statement of Overriding
6 Considerations would be necessary should the Board wish to approve the Project. (State CEQA
7 Guidelines §15093).

9 Mitigation Measure: Implementation of Mitigation Measure AIR-1 and AIR-2 in the
10 Mitigation Monitoring and Reporting Program would reduce this impact, but not below
11 established thresholds of significance.

12 See Mitigation Measure AIR-1 in Section IV (A) (1) of the Findings.

13 Mitigation Measure AIR-2 states:

14 The following measures shall be adhered to by the District and its contractors during
15 project grading and construction to reduce NOx from construction equipment related to water
16 quality basins (or an activity of similar magnitude):

- 17
- 18 a) All off-road construction equipment with engines rated at greater than
19 100 horsepower shall be equipped with California Air Resources Board
20 certified Tier 3 or better engines. Records shall be maintained by the
21 contractor and provided to the District to verify the horsepower, model
22 year, and tier of all equipment engines.
 - 23 b) The contractor shall maintain construction equipment in tune per the
24 manufacturer's specifications and make available maintenance records to
25 the District upon request.

26 *Timing/Implementation: During Grading and Construction Activities*

27 *Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar*

1 Rationale: Mitigation Measure AIR-1 and AIR-2 represent the best available measures
2 that would be feasible to implement during future construction of the Project. No feasible
3 mitigation is available to reduce this impact to a less than significant level. The maximum daily
4 Air Quality Management District daily construction threshold for NO_x would be exceeded and
5 this impact, despite the incorporation of all feasible mitigation, would remain significant and
6 unavoidable. [DPEIR pp. 4.2-14 through 4.2-19].
7

8 **2. Contribution of Cumulative Regional Air Quality Conditions:** Construction
9 activities of the MDP facilities and other area growth/existing development would be subject to
10 standard South Coast Air Quality Management District measures that would minimize fugitive
11 dust and PM₁₀ and PM_{2.5}, NO_x, and VOC emissions from construction equipment.
12 Implementation of these measures would minimize project-specific and cumulative air quality
13 impacts from construction; however, as the Project would result in impacts related to
14 construction-generated NO_x emissions, the Project's contribution to cumulative construction-
15 related air quality impacts would be cumulatively considerable.
16

17 Finding: The Board finds that the impact associated with contribution of cumulative
18 regional air quality conditions is not expected to be mitigated to a less than significant level with
19 implementation of feasible Mitigation Measures. No feasible mitigation is available to reduce
20 this impact to a less than significant level and this impact would remain significant and
21 unavoidable. (State CEQA Guidelines §15091(a)(3)). Consequently, a Statement of Overriding
22 Considerations would be necessary should the Board wish to approve the Project. (State CEQA
23 Guidelines §15093).
24

25 Mitigation Measure: Implementation of Mitigation Measure AIR-1 and AIR-2 in the
26 Mitigation Monitoring and Reporting Program would reduce this impact, but not below
27 established thresholds of significance.
28

See Mitigation Measure AIR-1 in Section IV (A) (1) of the Findings.

1 See Mitigation Measure AIR-2 in Section V (B) (1) of the Findings.

2 Rationale: Mitigation Measure AIR-1 and AIR-2 represent the best available measures
3 that would be feasible to implement during future construction of the Project. No feasible
4 mitigation is available to reduce this impact to a less than significant level. The Project's
5 construction-generated NO_x emissions contribution to cumulative construction-related air
6 quality impacts would be cumulatively considerable and this impact would be significant and
7 unavoidable. [DPEIR pp. 4.2-19 through 4.2-20].
8

9 **C. Noise**

10 **1. Generation of Noise Levels in Excess of Standards Established in the Local**
11 **General Plan or Noise Ordinance, or Applicable Standards of Other Agencies:** Exemptions
12 from the County of Riverside Noise Ordinance apply to the Project, specifically the exemption
13 that applies to facilities operated by or for a governmental agency. The City of Wildomar
14 adopted the County of Riverside's Ordinance. Impacts associated with noise within the City of
15 Lake Elsinore, given the noise levels from typical construction equipment are above 80 dBA,
16 and given the City of Lake Elsinore's low noise standards, future proposed MDP facilities
17 within the City of Lake Elsinore would most likely exceed the City of Lake Elsinore's Noise
18 Control policy. Therefore, Project noise levels are not expected to conflict with or exceed noise
19 limits in the established noise standards from the County of Riverside and the City of Wildomar.
20 However, noise levels could exceed noise standards in the City of Lake Elsinore; therefore,
21 impacts related to noise in that City would be considered significant.
22

24 Finding: The Board finds that the impact associated with generation of noise levels in
25 excess of standards established in the City of Lake Elsinore general plan is not expected to be
26 mitigated to a less than significant level with implementation of feasible Mitigation Measures.
27 No feasible mitigation is available to reduce this impact to a less than significant level and this
28 impact would remain significant and unavoidable. (State CEQA Guidelines §15091(a)(3)).

1 Consequently, a Statement of Overriding Considerations would be necessary should the Board
2 wish to approve the Project. (State CEQA Guidelines §15093).

3 Mitigation Measure: Implementation of Mitigation Measure NOISE-1 in the Mitigation
4 Monitoring and Reporting Program would reduce this impact, but not below established
5 thresholds of significance.

6 Mitigation Measure NOISE-1 states:

7
8 In order to mitigate the noise impact associated with construction noise in the City of
9 Lake Elsinore, and in order to address the City of Lake Elsinore's noise criteria related to
10 construction noise, the Riverside County Flood Control and Water Conservation District
11 (District) or entity constructing a Master Drainage Plan (MDP) facility within the City of Lake
12 Elsinore shall ensure or require prior to grading or demolition permit issuance that:

- 13 • All construction equipment, fixed or mobile, shall be equipped with properly
14 operating and maintained mufflers.
- 15 • Construction noise reduction methods such as shutting off idling equipment,
16 installing temporary acoustic barriers around stationary construction noise
17 sources and use of electric air compressors and similar power tools, rather than
18 diesel equipment, shall be used where feasible. Unattended construction vehicles
19 shall not idle for more than 5 minutes when located within 200 feet from
20 residential properties.
- 21 • During construction, stationary construction equipment shall be placed such that
22 emitted noise is directed away from or shielded from the residences.
- 23 • During construction, stockpiling and vehicle staging areas shall be located as far
24 as practical from noise sensitive receptors. A plan should be provided to the City
25 of Lake Elsinore identifying the staging areas prior to issuance of a construction
26 permit.
27
28

- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary.

Timing/Implementation: During Construction Activities

Enforcement/Monitoring: District, City of Lake Elsinore, or City of Wildomar

Rationale: Mitigation Measure NOISE-1 represents the best available measure that would be feasible to implement during future construction of the Project. No feasible mitigation is available to reduce this impact to a less than significant level. Noise levels could exceed noise standards in the City of Lake Elsinore and this impact would be significant and unavoidable. [DPEIR pp. 4.9-9 through 4.9-11].

2. Substantial Temporary or Periodic Increases in Ambient Noise Levels:

Construction efforts for the MDP facilities would result in noise impacts to various types of sensitive receptors including residences and schools. The associated construction activities would increase the ambient noise levels above existing conditions, which could be perceived as annoying to sensitive receptors in the area. However, this impact is temporary and would disappear once construction is completed. Most construction activities that are limited to the County and City of Wildomar will comply with the allowable construction hours and days, and various measures are incorporated to reduce Project-specific noise levels; therefore, less than significant impacts would result from construction noise in the County of Riverside and City of Wildomar. However, due to the City of Lake Elsinore's low noise standards, and the typical construction equipment noise levels exceeding 80 dBA, for the short term, construction noise in the City of Lake Elsinore is considered significant.

Finding: The Board finds that the impact associated with substantial temporary or periodic increases in ambient noise levels within the City of Lake Elsinore is not expected to be

1 mitigated to a less than significant level with implementation of feasible Mitigation Measures.
2 No feasible mitigation is available to reduce this impact to a less than significant level and this
3 impact would remain significant and unavoidable. (State CEQA Guidelines §15091(a)(3)).
4 Consequently, a Statement of Overriding Considerations would be necessary should the Board
5 wish to approve the Project. (State CEQA Guidelines §15093).
6

7 Mitigation Measure: Implementation of Mitigation Measure NOISE-1 in the Mitigation
8 Monitoring and Reporting Program would reduce this impact, but not below established
9 thresholds of significance.

10 See Mitigation Measure NOISE-1 in Section V (C) (1) of the Findings.

11 Rationale: Mitigation Measure NOISE-1 represents the best available measure that would
12 be feasible to implement during future construction of the Project. However, there is no feasible
13 mitigation available to reduce this temporary construction noise impact to a less than significant
14 level due to the low noise standards in the City of Lake Elsinore. Once the Project is
15 operational, noise impacts will remain less than significant. Regardless, the Project's
16 construction noise in the City of Lake Elsinore is considered significant and unavoidable.
17 [DPEIR p. 4.9-12].
18

19 SECTION VI

20 FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS

21 Pursuant to Section 15130(a) of the State CEQA Guidelines, cumulative impacts of a
22 project shall be discussed when they are "cumulatively considerable," as defined in Section
23 15065(a)(3) of the State CEQA Guidelines. Cumulatively considerable "means that the
24 incremental effects of an individual project are significant when viewed in connection with the
25 effects of past projects, the effects of other current projects, and the effects of probable future
26 projects." (State CEQA Guidelines §15065(a)(3)).
27
28

Each topical environmental analysis section of the PEIR assesses cumulative impacts for the applicable environmental issue, and does so to a degree that reflects each impact's severity and likelihood of occurrence. Notwithstanding the existing regulations, Standard Conditions that the District imposes on projects and the Mitigation Measures set forth in the Mitigation Monitoring and Reporting Program for the Project, some of the Project's cumulative impacts discussed in this Section V cannot be fully mitigated to a less than significant level. For each impact that is determined to be significant and unavoidable, a Statement of Overriding Considerations has been prepared for that impact and is set forth in Section IX below.

A. No Contribution to a Cumulative Impact

As outlined above in Section III of these Findings, the Project would have no impact with respect to:

- Substantially Damage Scenic Resources within a State Scenic Highway
- New Sources of Light and Glare Adversely Affecting Views
- Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to Non-Agricultural Use
- Conflict with Zoning for Agricultural Use or with a Williamson Act Contract
- Convert or Indirectly Result in the Conversion of Farmland to Non-Agricultural Use
- Conflict with Zoning for or Cause Rezoning of Forest Land, Timberland, or land zoned Timberland Production
- Result in the Loss of Forest Land or Convert or Indirectly Result in the Conversion of Forest Land to Non-Forest Use
- Conflict with or Obstruct Implementation of the Applicable Air Quality Plan
- Exposure of Sensitive Receptors to Odorous Emissions
- Impacts on the Environments from Greenhouse Gas Emissions

- 1 • Conflict with Greenhouse Gas Plan, Policy or Regulation
- 2 • Interference with the Movement of Native Wildlife through Existing Migratory
- 3 Corridors
- 4 • Impacts to Local Policies or Ordinances Protecting Biological Resources
- 5 • Disturb Human Remains
- 6 • Rupture of a Known Earthquake Fault as delineated on the Most Recent Alquist-
- 7 Priolo Earthquake Fault Zoning Map
- 8 • Strong Seismic Ground Shaking
- 9 • Substantial Changes in Topography, Unstable Soil Conditions from Excavation,
- 10 Grading or Fill, or Soil Erosion or the loss of Top Soil
- 11 • Located on Expansive Soils
- 12 • Soils Incapable of Supporting any Structures, Fill or Other Improvements
- 13 Associated with the Project
- 14 • Hazard to the Public or the Environment through the Routine Transport, Use, or
- 15 Disposal of Hazardous Material
- 16 • Accidental Release of Hazardous Materials into the Environment
- 17 • Hazards Within 0.25 Mile of an Existing or Proposed School
- 18 • Public Airport Hazards
- 19 • Private Airport Hazards
- 20 • Interference with an Adopted Emergency Response Plan or Emergency
- 21 Evacuation Plan
- 22 • Wildland Fire Hazards
- 23 • Substantially Deplete Groundwater Supplies or Interfere with Recharge
- 24 • Place Houses Within a 100-Year Flood Hazard Area
- 25 • Place Structures Within a 100-Year Flood Hazard Area
- 26
- 27
- 28

- 1 • Contribute Runoff Water Exceeding the Capacity of Stormwater Drainage
- 2 Systems
- 3 • Expose People or Structures to Flooding Hazards as the Result of the Failure of a
- 4 Levee or Dam
- 5 • Result in Inundation by Seiche, Tsunami, or Mudflow
- 6 • Generation of Ground-Borne Vibration or Ground-Borne Noise Levels
- 7 • Physically Divide an Established Community
- 8 • Conflict with Applicable Land Use Plan, Policy, or Regulation
- 9 • Loss of Availability of a Known Mineral Resource
- 10 • Loss of Availability of a Locally-Important Mineral Resource
- 11 • Substantial Permanent Increase in Ambient Noise Levels
- 12 • Public Airport Noise
- 13 • Private Airport Noise
- 14 • Growth-Inducing Impacts
- 15 • Impacts on Existing Housing Necessitating the Construction of Replacement
- 16 Housing
- 17 • Displace Substantial Numbers of People Necessitating the Construction of
- 18 Replacement Housing
- 19 • Impacts on Public Services
- 20 • Impacts on Regional Parks or Other Recreational Facilities
- 21 • Impacts Associated with Construction or Expansion of Recreational Facilities
- 22 • Increased Roadway Hazards
- 23 • Emergency Access
- 24 • Inadequate Parking
- 25 • Impacts Associated with Construction or Expansion of Utility Facilities
- 26
- 27
- 28

- Impacts on Capacity of Stormwater Drainage Facilities
- Impacts to Water Supply Entitlements
- Exceed Wastewater Treatment Requirements
- Solid Waste Impacts
- Compliance with Solid Waste Regulations

B. Contributions to Cumulative Impacts Not Requiring Mitigation or that Can be Mitigated to a Less than significant Level

As outlined above in Sections IV(A) through (G) of these Findings, the Project would result in impacts related to air quality with the exception of NOx, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality and transportation and traffic. These incremental Project-specific impacts were found to be either less than significant or less than significant with mitigation. Therefore, these impacts would not be cumulatively considerable. A detailed cumulative impact analysis is in Section 7 of the DPEIR.

C. Cumulatively Considerable Contributions to Potentially Significant Impacts that Cannot be Mitigated to a Less than significant Level

As detailed above in Section V(A)(1) through (2) of these Findings, the Project would cause a cumulatively considerable contribution to an adverse cumulative effect on a scenic vista and/or on the visual character and quality of the landscape. [DPEIR pp. 4.1-5 through 4.1-8 and 7.0-2 through 7.0-3].

As detailed above in Sections V(B)(2) of these Findings, the Project would have a cumulatively considerable contribution to an adverse cumulative effect on regional air quality conditions. Although the Applicant would be required to implement Mitigation Measure Air-1 and Air-2, this impact could remain significant and unavoidable and the Project's contribution to this cumulative impact could be cumulatively considerable. [DPEIR pp. 4.2-19 through 4.2-20].

1 As detailed above in Section V(C)(1) through (2) of these Findings, the Project would
2 cause a cumulatively considerable contribution to noise levels within the City of Lake Elsinore.
3 Although the Applicant would be required to implement Mitigation Measure Noise-1, this
4 impact could remain significant and unavoidable and the Project's contribution to this
5 cumulative impact could be cumulatively considerable. [DPEIR pp. 4.9-12 and 7.0-22].
6

7 **SECTION VII**

8 **FINDINGS REGARDING GROWTH-INDUCING IMPACTS**

9 Pursuant to Sections 15126(d) and 15126.2(d) of the State CEQA Guidelines, this
10 section is provided to examine ways in which the Project could foster economic or population
11 growth or the construction of additional development, either directly or indirectly, in the
12 surrounding environment.
13

14 Growth-inducing effects are not necessarily beneficial, detrimental, or of little
15 significance to the environment. This issue is presented to provide additional information on
16 ways in which this Project could contribute to significant changes in the environment beyond
17 the direct consequences of implementing the Project.

18 Implementation of the MDP consists of three separate components: Administration of
19 the MDP, Future Construction of the MDP facilities, and Future Operations and Maintenance of
20 the MDP facilities.
21

22 The District finds that the Project would not induce growth for the following reason:

23 1. Long-range development plans within the Project boundary are reflected in the
24 City of Lake Elsinore's General Plan, the City of Wildomar's General Plan, or the Riverside
25 County General Plan, depending on the land use jurisdiction. The Project does not involve the
26 development of additional housing or retail services that would foster population or economic
27 growth and would not change any land uses. Since the Project does not include any building
28 construction, the Project is considered to be consistent with the development envisioned in the

1 general plans of the City of Lake Elsinore, the City of Wildomar, and Riverside County.
2 Accordingly, it is reasonable to assume planned development within the Project boundary has
3 been anticipated in the Southern California Association of Governments (SCAG) growth
4 projections because the land uses within the Project boundary would remain the same.
5 Although most of the area within the Project boundary is either developed or is planned for
6 "in-fill" development, the Project could stimulate indirect growth since the Project would
7 serve to alleviate and control existing flooding and accommodate future capacity flows within
8 the Project boundary. However, the growth would be consistent with population growth
9 envisioned in local and regional land use plans and in projections made by regional planning
10 authorities. Additionally, future "in-fill" development within the Project boundary has been
11 factored into the underlying growth projections of the SCAG 2012–2035 Regional
12 Transportation Plan/Sustainable Communities Strategy (SCAG 2012). Therefore, approval of
13 the Project would not result in significant growth-inducing impacts. [DEIR pp. 9.0-1 through
14 9.0-2].
15
16

17 SECTION VIII

18 FINDINGS REGARDING PROJECT ALTERNATIVES

19 A. Background

20 Section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss
21 alternatives to a proposed Project. Subsection (a) states:
22

- 23 (a) An EIR shall describe a range of reasonable alternatives to the
24 project, or to the location of the project, which would feasibly
25 attain most of the basic objectives of the project but would avoid
26 or substantially lessen any of the significant effects of the project,
27 and evaluate the comparative merits of the alternatives. An EIR
28 need not consider every conceivable alternative to a project.

1 Rather it must consider a reasonable range of potentially feasible
2 alternatives that will foster informed decision-making and public
3 participation. An EIR is not required to consider alternatives that
4 are infeasible. The lead agency is responsible for selecting a range
5 of project alternatives for examination and must publicly disclose
6 its reasoning for selecting those alternatives. There is no ironclad
7 rule governing the nature or scope of the alternatives to be
8 discussed other than the rule of reason.
9

10 Subsection 15126.6(b) states the purpose of the alternatives analysis:

- 11 (b) Because an EIR must identify ways to mitigate or avoid the
12 significant effects that a project may have on the environment
13 (Public Resources Code Section 21002.1), the discussion of
14 alternatives shall focus on alternatives to the project or its location
15 which are capable of avoiding or substantially lessening any
16 significant effects of the project, even if these alternatives would
17 impede to some degree the attainment of the project objectives, or
18 would be more costly.
19

20
21 In Subsection 15126.6(c), the State CEQA Guidelines describe the selection process for
22 a range of reasonable alternatives:

- 23 (c) The range of potential alternatives to the proposed project shall
24 include those that could feasibly accomplish most of the basic
25 objectives of the project and could avoid or substantially lessen
26 one or more of the significant effects. The EIR should briefly
27 describe the rationale for selecting the alternatives to be discussed.
28 The EIR should also identify any alternatives that were considered

1 by the lead agency but were rejected as infeasible during the
2 scoping process and briefly explain the reasons underlying the
3 lead agency's determination. Additional information explaining
4 the choice of alternatives may be included in the administrative
5 record. Among the factors that may be used to eliminate
6 alternatives from detailed consideration in an EIR are: (i) failure
7 to meet most of the basic Project objectives, (ii) infeasibility, or
8 (iii) inability to avoid significant environmental impacts.
9

10 The range of alternatives required is governed by a "rule of reason" that requires the EIR
11 to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include
12 sufficient information about each alternative to allow meaningful evaluation, analysis, and
13 comparison with the proposed project. Alternatives are limited to ones that would avoid or
14 substantially lessen any of the significant effects of the proposed project. Of those alternatives,
15 the EIR need examine in detail only the ones that the lead agency determines could feasibly
16 attain most of the basic objectives of the project.
17

18 However, when significant impacts can be mitigated by the adoption of Mitigation
19 Measures, the lead agency has no obligation to consider the feasibility of alternatives with
20 respect to that impact in its findings, even if the alternative would mitigate the impact to a
21 greater degree than the proposed project. (Pub. Res. Code §21002; Kings County Farm
22 Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; Laurel Heights Improvement
23 Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403; Laurel
24 Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521.) The District
25 has adopted Mitigation Measures to avoid or substantially lessen the potentially significant
26 environmental impacts identified in the PEIR. However, the following impacts would remain
27 significant:
28

- 1 • Substantially Adversely Affect a Scenic Vista [DPEIR pp. 4.1-5 through 4.1-8].
- 2 • Substantially Degrade the Existing Visual Character or Quality of the Site and its
- 3 Surroundings [DPEIR pp. 4.1-8 through 4.1-9].
- 4 • Construction Exceeding Maximum Daily Emissions of NOx [DPEIR pp. 4.2-14
- 5 through 4.2-19].
- 6 • Contribution to Cumulative Regional Air Quality Conditions [DPEIR pp. 4.2-19
- 7 through 4.2-20].
- 8 • Generation of Noise Levels in Excess of Standards Established in the Local
- 9 General Plan [DPEIR pp. 4.9-9 through 4.9-11].
- 10 • Substantial Temporary or Periodic Increase in Ambient Noise Levels [DPEIR p.
- 11 4.9-12].
- 12
- 13

14 The District's Objectives for the Project (DPEIR page 8.0-2) are as follows:

- 15 • Reduce the level of risk from flooding and debris flows to existing/future
- 16 development and infrastructure to below the "100-year" level (i.e., the 1% annual
- 17 chance flood event);
- 18 • Provide "all-weather" access along Grand Avenue by conveying 100-year
- 19 tributary flood flows below the travelled way;
- 20 • Provide a Master Drainage Plan at the lowest construction and right-of-way
- 21 acquisition cost;
- 22 • Economically manage debris to ensure that the 100-year design capacity is
- 23 maintained during major storm events;
- 24 • Consider, and where feasible, incorporate regional water quality facilities to
- 25 mitigate for the impacts from existing development and to improve the water
- 26 quality of Lake Elsinore; and
- 27
- 28 • Avoid or minimize the impacts to potentially sensitive areas.

1 **B. Alternatives Considered in the DPEIR**

2 The following Alternatives were considered in detail in the DPEIR. These are rejected
3 for various reasons as set forth below.

4 **1. Alternative 1 – No Project:** Alternative 1 is the "No Project" alternative. Thus,
5 there are no new MDP facilities proposed under this alternative. For this alternative, flood
6 protection is only provided by the existing District and non-District maintained drainage
7 facilities within the Lakeland Village area. Existing drainage facilities include: Lime Street
8 Channel, Ortega Channel Lateral A-1 Debris Basin, Ortega Channel, Ortega Channel Lateral A,
9 Ortega Channel Lateral A-1, Ortega Channel Lateral A-2, Lakeland Village Channel, Churchill
10 Street Drainage Ditch, Stoneman Street Channel, Corydon Channel, Palomar Channel, Ontario
11 Way Storm Drain, Tract 23111 Drainage Ditch, Sedco – Bryant Street Storm Drain Stage 1,
12 Sedco – Bryant Street Storm Drain and Debris Basin.

13
14
15 **Finding:** Based upon the Supporting Explanation below, the Board rejects the No Project
16 Alternative because it would not fully meet the objectives for the Project (State CEQA
17 Guidelines §15126.6 (c)).

18 **Supporting Explanation:** Alternative 1 – No Project is hereby rejected for the following
19 reasons:

20
21 1) There are no new drainage facilities proposed in Alternative 1; therefore, this
22 alternative would not provide any additional protection against the 100-year flood event;

23 2) Alternative 1 does not propose any additional facilities or improvements;
24 therefore, access along Grand Avenue will continue to be limited or rendered impassable during
25 storm event;

26 3) Alternative 1 does not propose any additional facilities or improvements;
27 therefore, this alternative would be the least expensive but it would not meet the main Project
28 objective of providing flooding protection to the Lakeland Village area;

1 4) Alternative 1 does not propose any additional facilities or improvements;
2 therefore, long-term maintenance costs would be incurred only for the maintenance of drainage
3 facilities already in place in the area; and

4 5) Alternative 1 does not include any water quality features; therefore, water quality
5 concerns would not be addressed by this alternative. [DPEIR pp. 8.0-5 through 8.0-29, DPEIR
6 Table 8.0-1 and Table 8.0-2].
7

8 **2. Alternative 2 – Upsizing Facilities:** Alternative 2 is a scaled down version
9 compared to the proposed Project (refer to Table ES-1 in the Executive Summary of the PEIR
10 for summary of MDP facilities). Alternative 2 does not include water quality or debris basins.
11 Alternative 2 proposes 21 underground storm drains (approximately 45,000 linear feet), 4 open
12 channels (approximately 9,000 linear feet), 2 debris basins, and 1 debris/detention basin. The
13 proposed storm drains and open channels are sized to convey "bulked flows" (i.e., flows that
14 include both stormwater runoff and its associated debris load) to Lake Elsinore. The two debris
15 basins are proposed upstream of the existing Ortega and Lime Street channels to capture
16 sediment before entering the channels. These channels historically have been subject to debris
17 accumulation and frequent maintenance due to relatively flat slopes. A debris/detention basin is
18 proposed upstream of the existing Lakeland Village Channel to capture debris and attenuate
19 flow during a 100-year storm event.
20
21

22 Alternative 2 also proposes improvements to the following existing facilities:

- 23 • Lime Street Channel – Floodwalls (2 feet high) would be added to the top of the
24 channel. The existing 48-inch-diameter pipe along Hill Street would be replaced
25 with a 72-inch pipe.
- 26 • Ortega Channel – Floodwalls (2 feet high) would be added to the portion of
27 Ortega Channel downstream of Grand Avenue.
28

- Lakeland Village Channel – The existing double 36-inch culverts located at Nelson Avenue, Bobrick Avenue, MacKay Avenue, Brightman Avenue, Sutherland Avenue, Raley Avenue, and Grand Avenue would be replaced with a 12-foot by 4-foot reinforced concrete box.

Finding: Based upon the Supporting Explanation below, the Board rejects the Upsizing Facilities Alternative because it would not fully meet the objectives for the Project and would not avoid or substantially lessen the significant unavoidable impacts of the Project, and would be costly in terms operation and maintenance of the channels and debris basins (State CEQA Guidelines §15126.6 (c)).

Supporting Explanation: Alternative 2 – Upsizing Facilities is hereby rejected for the following reasons:

1) The Alternative 2 storm drains and open channels would convey the bulked flows to Lake Elsinore. Since the debris would not be captured upstream, the proposed underground storm drains and open channels would need to be routinely maintained to ensure that the design capacity is conveyed at all times. Storm drain inspection and debris removal is especially critical for those drainage facilities aligned along Grand Avenue due to the abrupt change in the storm drain profile from steep to flat slope. This abrupt change would result in the accumulation of debris in the flatter reaches, thereby, requiring more frequent storm drain inspection and debris removal. Due to the enclosed nature of the underground storm drains, removing the sediment would involve specialized methods, such as jetting or vacuuming. These specialized maintenance methods are far more expensive than the simple excavation methods used on channels and debris basins;

2) Alternative 2 does not include any water quality features; therefore, Lake Elsinore water quality concerns would not be addressed by this alternative; and

1 3) Alternative 2 could result in greater impacts to biological resources than the
2 Project since the proposed open channels are generally aligned along existing natural
3 watercourses that may support sensitive biological resources. [DPEIR pp. 8.0-5 through 8.0-29,
4 DPEIR Table 8.0-1 and Table 8.0-2].

5 **3. Alternative 3 – Debris Basin plus Floodplain Buyout:** Alternative 3 proposes
6 the acquisition of properties and the removal of over 200 structures located within the Federal
7 Emergency Management Agency (FEMA) mapped Special Flood Hazard Areas (SFHAs).
8 Alternative 3 is also a scaled down version compared to the proposed Project. Alternative 3 does
9 not include water quality basins. Alternative 3 proposes 17 underground storm drains
10 (approximately 37,000 linear feet), 4 open channels (approximately 7,000 linear feet), and 8 debris
11 basins. Like Alternative 2, Alternative 3 also includes improvements to the existing Lime Street,
12 Ortega and Lakeland Village Channels, such as flood walls and larger culverts. The existing
13 culverts located along Grand Avenue, including those located within the SFHAs, are also
14 proposed to be enlarged to convey the 100-year storm.

15 Finding: Based upon the Supporting Explanation below, the Board rejects the Debris
16 Basin plus Floodplain Buyout Alternative because it would not fully meet the objectives for the
17 Project and would not avoid or substantially lessen the significant unavoidable impacts of the
18 Project, and has the greatest cost for construction and right-of-way acquisition (State CEQA
19 Guidelines §15126.6 (c)).

20 Supporting Explanation: Alternative 3 – Debris Basin plus Floodplain Buyout is hereby
21 rejected for the following reasons:

22 1) Due to the high right-of-way acquisition cost, Alternative 3 would be the most
23 costly in terms of construction and right-of-way acquisition;

2) Other than the proposed debris basins, Alternative 3 does not include any water quality features; therefore, water quality concerns would not be addressed by this alternative; and

3) Alternative 3 could result in greater impacts to biological resources, water quality, and increased stormwater pollutants than the Project. [DPEIR pp. 8.30, DPEIR Table 8.0-1 and Table 8.0-2].

C. Environmentally Superior Alternative

The Debris Basin plus Floodplain Buyout Alternative, described in detail in Section VIII(B) of these Findings (above) was identified in the DPEIR, as required by State CEQA Guidelines §15126.6(e)(2), as the Environmentally Superior Alternative. [DPEIR pp. 8.0-5 through 8.0-29, DPEIR Table 8.0-1 and Table 8.0-2].

Finding: Based upon the Supporting Explanation contained in Section VIII(B) of these Findings, the Board rejects the Environmentally Superior Alternative because it would not fully meet the objectives for the Project and would not avoid or substantially lessen the significant unavoidable impacts of the Project, and would be more costly than the project in terms of construction and right-of-way acquisition. Further, the alternative does not include specific water quality features as compared to the Project and would potentially result in greater environmental impacts related to water quality (State CEQA Guidelines §15126.6 (c).)

SECTION IX

STATEMENT OF OVERRIDING CONSIDERATIONS

A. The Board declares that, pursuant to State CEQA Guidelines Section 15093, the Board has balanced the benefits against any unavoidable environmental impacts in determining whether to approve the Project. If the benefits outweigh the unavoidable adverse environmental impacts, then those impacts may be considered "acceptable" under CEQA.

1 B. The Board declares that the PEIR has identified and discussed significant effects that
 2 may occur as a result of the Project. With the implementation of existing regulations and the
 3 Mitigation Measures discussed in the PEIR, the environmental effects of the Project can be
 4 mitigated to less than significant levels, except for unavoidable significant impacts to:

- 5 • Substantially Adversely Affect a Scenic Vista [DPEIR pp. 4.1-5 through 4.1-8].
- 6 • Substantially Degrade the Existing Visual Character or Quality of the Site and its
- 7 Surroundings [DPEIR pp. 4.1-8 through 4.1-9].
- 8 • Adverse Cumulative Effect on a Scenic Vista and/or on the Visual Character and
- 9 Quality of the Landscape. [DPEIR pp. 4.1-5 through 4.1-8 and 7.0-2 through 7.0-
- 10 3].
- 11 • Construction Exceeding Maximum Daily Emissions of NO_x [DPEIR pp. 4.2-14
- 12 through 4.2-19].
- 13 • Contribution to Cumulative Regional Air Quality Conditions [DPEIR pp. 4.2-19
- 14 through 4.2-20].
- 15 • Generation of Noise Levels in Excess of Standards Established in the Local
- 16 General Plan [DPEIR pp. 4.9-9 through 4.9-11].
- 17 • Substantial Temporary or Periodic Increase in Ambient Noise Levels [DPEIR p.
- 18 4.9-12].
- 19 • cumulatively considerable contribution to noise levels within the City of Lake
- 20 Elsinore [DPEIR pp. 4.9-12 and 7.0-22].
- 21
- 22
- 23

24 C. The Board declares that it has made a reasonable and good faith effort to eliminate or
 25 substantially mitigate the impacts listed above. To the extent any Mitigation Measures could not
 26 be incorporated, such Mitigation Measures are infeasible because of specific economic, legal,
 27 social, technological and other considerations and the benefits of the Project outweigh the
 28 unmitigated impacts.

1 D. The Board declares that, having reduced the significant adverse environmental effects of
2 the Project to the extent feasible by adopting the Mitigation Measures, having considered the
3 entire administrative record on the Project, and having weighed the benefits of the Project
4 against its unavoidable adverse impacts after mitigation, the Board has determined that the
5 following social, economic, and environmental benefits of the Project outweigh the potential
6 unavoidable significant adverse impacts and render those potential adverse environmental
7 impacts acceptable. Each benefit set forth below constitutes an overriding consideration
8 warranting approval of the Project, independent of the other benefits, and the Board determines
9 that the adverse environmental impacts of the Project are "acceptable" if any of these benefits
10 would be realized. The Project would provide the following benefits:
11

- 12 • The Project area consists primarily of developed urban areas which have
13 experienced significant flooding in the past. The existing channels do not provide
14 adequate upstream control at the mouths of the canyons, thus only collecting a
15 portion of the floodwaters, and the remaining flows run free toward the lake. As
16 the area continues to urbanize, flood damages are expected to increase. A master
17 planned drainage system is needed to safely convey stormwater runoff through
18 the area with the least interruption to public services and no damage to property.
19 In conjunction with ultimate street improvements, the Project will provide 100-
20 year flood protection to existing and planned development, including
21 infrastructure and public roads, thereby providing numerous benefits to public
22 health and safety.
- 23 • Public costs associated with reoccurring flood damages will be substantially
24 reduced by the Project.
- 25 • The Project will improve the water quality of Lake Elsinore.
26
27
28

- 1 • A more orderly growth pattern can safely occur with the master planned drainage
- 2 system provided by the Project.
- 3 • The Project is the most feasible and least costly of the alternatives studied.
- 4 • The Project lends itself to staged construction as funds become available or when
- 5 future development is proposed requiring MDP facility improvements.
- 6

7 *California Public Resources Code* section 21002 provides: "In the event specific
8 economic social and other conditions make infeasible such Project alternatives or such
9 mitigation measures, individual projects can be approved in spite of one or more significant
10 effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other
11 conditions make it infeasible to mitigate one or more significant effects of a project on the
12 environment, the project may nonetheless be approved or carried out at the discretion of a public
13 agency..." Finally, California Code of Regulations, Title 4, 15093 (a) states: "If the benefits of a
14 proposed project outweigh the unavoidable adverse environmental effects, the adverse
15 environmental effects may be considered 'acceptable.'"

17 The Board hereby declares that the foregoing benefits provided to the public through
18 approval and implementation of the Project outweigh the identified significant adverse
19 environmental impacts of the Project that cannot be mitigated to less than significant. The Board
20 finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts
21 identified in the PEIR and, therefore, finds those impacts to be acceptable.

23 The Board hereby declares that the foregoing benefits provided to the public through
24 approval and implementation of the Project outweigh the identified significant adverse
25 environmental impacts of the Project that cannot be mitigated to less than significant. The Board
26 finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts
27 identified in the PEIR and, therefore, finds those impacts to be acceptable.

SECTION X

CERTIFICATION OF PEIR

The Board finds that it has reviewed and considered the PEIR in evaluating the Project, that the PEIR is an accurate and objective statement that fully complies with the Public Resources Code and the State CEQA Guidelines and that the PEIR reflects the independent judgment of the Board in accordance with the Public Resources Code section 21082.1(c)(3). The Board consequently certifies the PEIR. As the decision-making body for the Project, the Board has reviewed and considered the information contained in the Findings and the supporting documentation and determined the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as a complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations.

The Board declares that no new significant information as defined by State CEQA Guidelines Section 15088.5 has been received by the District after circulation of the DPEIR nor added by the District to the PEIR that would require recirculation.

The Board certifies the PEIR based on, without limitation, the following finding and conclusions:

A. Finding: The significant environmental impacts set forth in Section V of this Resolution have been identified in the PEIR and will require mitigation, but cannot be mitigated to a less than significant level.

B. Conclusions:

1. All significant environmental impacts from the implementation of the Project have been identified in the PEIR and, with implementation of the identified Mitigation Measures impacts will be mitigated to a less than significant level, except for the impacts listed in Section V of this Resolution.

1 2. Environmental, economic, technological, social and other considerations and benefits
2 derived from the Project override and make infeasible Mitigation Measures beyond those
3 incorporated into the Project.

4 3. Other reasonable alternatives to the Project that could feasibly achieve the basic goals
5 and objectives of the proposed Project have been considered and rejected in favor of the Project.
6

7 SECTION XI

8 ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

9 Pursuant to Public Resources Code Section 21081.6, the Board hereby adopts the
10 Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit "A". In the
11 event of any inconsistencies between the Mitigation Measures as set forth herein and the
12 Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting
13 Program shall control.
14

15 SECTION XII

16 PROJECT APPROVAL

17 Based upon the entire administrative record before the Board, including the above
18 findings and all written and oral evidence presented during the administrative process, the Board
19 hereby approves the Project with all the mitigation measures and the Mitigation Monitoring and
20 Reporting Program, as set forth in these findings .
21

22 SECTION XIII

23 CUSTODIAN OF RECORD

24 The custodians of the documents and materials that constitute the record of proceedings
25 on which this decision is based are the Clerk of the Board of Supervisors and the District. These
26 documents and materials are located at 4080 Lemon Street, Riverside, California. This
27 information is provided in compliance with Public Resources Code Section 21081.6.
28

SECTION XIVSTAFF DIRECTION

The Board of Supervisors hereby directs staff to prepare, execute, and file a Notice of Determination with the Riverside County Clerk's Office and the Office of Planning and Research within five (5) working days of adoption of this Resolution.

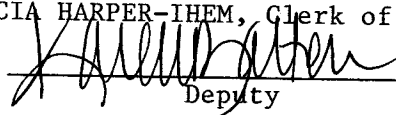
ROLL CALL:

Ayes:	Tavaglione, Washington, Benoit and Ashley
Nays:	None
Absent:	None
Disqualify:	Jeffries

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

KECIA HARPER-IHEM, Clerk of said Board

By



Deputy

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

**LAKELAND VILLAGE MDP FINAL PEIR
RESOLUTION NO. F2015-09**

**EXHIBIT "A"
MITIGATION MEASURE SUMMARY
MITIGATION MONITORING AND REPORTING PROGRAM**

1. AESTHETICS

Implementation of the Project may result in significant impacts related to adverse effects on a scenic vista and degradation of the existing visual character and quality. No feasible Mitigation Measures are available, therefore, potential significant impacts will result, and a Statement of Overriding Considerations is required.

2. AIR QUALITY

The following mitigation measure would reduce potential air quality impacts; however, significant impacts may occur even with these mitigation measures, and a Statement of Overriding Considerations is required.

- 2a. MM AIR-1: For all MDP facilities, to minimize impacts related to particulate matter (PM₁₀ and PM_{2.5}) generation from construction activities, consistent with SCAQMD Rule 403, the District shall ensure that fugitive dust generated by grading and construction activities will be kept to a minimum, with a goal of retaining dust on the site. The contractor shall be required to comply with the applicable provisions of SCAQMD Rule 403 and implement appropriate fugitive dust control measures that include watering, stabilized construction access to reduce tracking of mud or dirt onto public roads, covering trucks hauling loose materials offsite, and street sweeping.
- 2b. MM AIR-2: The following measures shall be adhered to by the District and its contractors during project grading and construction to reduce NOx from construction equipment related to water quality basins (or an activity of similar magnitude):
 - a) All off-road construction equipment with engines rated at greater than 100 horsepower shall be equipped with California Air Resources Board certified Tier 3 or better engines. Records shall be maintained by the contractor and provided to the District to verify the horsepower, model year, and tier of all equipment engines.
 - b) The contractor shall maintain construction equipment in tune per the manufacturer's specifications and make available maintenance records to the District upon request.

3. BIOLOGICAL RESOURCES

The following Mitigation Measures shall be implemented to reduce impacts related to biological resources to less than significant levels:

- 3a. MM BIO-1: Suitable habitat has been identified within the Project boundary within the NEPSSA, CASSA, and Burrowing Owl Survey Areas (see Table 4.3-4). All MDP facility alignments and impact footprints shall be reviewed by the District, City of Lake Elsinore,