

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM  
3.56  
(ID # 7426)

MEETING DATE:  
Tuesday, July 31, 2018


FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/ TRANSPORTATION  
DEPARTMENT: Approve the Mitigation Funding Agreement with the Riverside  
Corona Resource Conservation District for the Interstate 215 at Scott Road  
Interchange Improvement Project in the City of Menifee and City of Murrieta,  
CEQA Finding of Nothing Further is Required. 3rd and 5th Districts; [\$483,600  
Total Cost]; 50% TUMF, 50% City of Menifee.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required pursuant to the California Environmental Quality Act (CEQA) because all potentially significant effects have been fully analyzed in the previously adopted Mitigated Negative Declaration for which Responsible Agency Findings were made by the Board on October 20, 2015, Minute Order 3-12 for the Interstate 215 at Scott Road Interchange Improvements Project; and
2. Approve and Execute the Mitigation Funding Agreement between the County of Riverside and the Riverside Corona Resource Conservation District to meet requirements of the environmental permits for the Interstate 215 at Scott Road Interchange Improvements Project for Fiscal Year 18/19, for the Amount of \$483,600.

ACTION: Policy

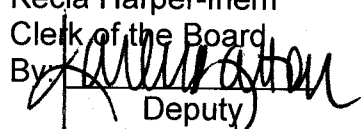
  
Patricia Romo, Director of Transportation 7/11/2018

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MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington and Perez  
Nays: None  
Absent: Ashley  
Date: July 31, 2018  
xc: TLMA-Transp.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 483,600.00	\$ 0	\$ 483,600.00	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$0	\$ 0
<b>SOURCE OF FUNDS: 50% TUMF, 50% City of Menifee</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	18/19

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

**BACKGROUND:**

**Summary**

The Transportation Department proposes to replace the existing Interstate 215 (I-215) interchange at Scott Road in the Cities of Menifee and Murrieta. The interchange improvements consist of widening Scott Road between Haun Road and Antelope Road, replacing the existing Scott Road overcrossing bridge at I-215 with a new six-lane bridge, reconfiguring the on and off ramps, adding two new loop ramps and adding freeway auxiliary lanes. The County of Riverside is the responsible agency for the construction of the project due to the County's experience in delivering State Highway, Federal aid construction projects

In order to construct the project, the environmental document requires permits from the US Army Corps of Engineers, the Santa Ana Regional Water Quality Control Board, and the California Department of Fish & Wildlife for impacts to streambeds. These permits require mitigation credits to be purchased from the Riverside-Corona Resource Conservation District's (RCRCD) In-Lieu Fee Program (ILFP). The RCRCD is a governmental special district and the ILFP is approved to sell credits to offset impacts.

The mitigation funding agreement between the County and the RCRCD provides for the purchase of credits that satisfy the requirements of the environmental permits.

**Environmental Findings**

Pursuant to the CEQA, the State of California Department of Transportation, District 8 (Caltrans), as lead agency, prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) and made a National Environmental Policy Act (NEPA) Categorical Exclusion Determination and approved the Interchange Project on December 2, 2010. An Addendum to the MND was prepared and considered and a NEPA/CEQA Re-Validation Conclusion Form was approved on November 28, 2012 by Caltrans. A second Addendum to the MND was prepared and considered and an NEPA/CEQA Re-Validation Conclusion Form was approved on November 11, 2016 by Caltrans.

Approval of the Agreement to purchase credits from the RCRCD is an action in furtherance of the Project and is implementing mitigation measure B-4 of the Environmental Commitment

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Record of the CE/MND. Based on the analysis in the CE/MND and Re-Validations, and implementation of the mitigation through purchase of the credits, nothing further is required for CEQA compliance.

**Impact on Citizens and Businesses**

The proposed improvements that will be constructed by the project will benefit the project area by significantly improving the existing infrastructure, as well as providing upgrades to enhance traffic flow and safety and reduce traffic congestion at the Scott Road interchange.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The funding for the credits, in the amount of \$483,600.00 will be funded 50% with Transportation Uniform Mitigation Fees (TUMF) and 50% from the City of Menifee. No net county costs will be expended.

**Contract History and Price Reasonableness**

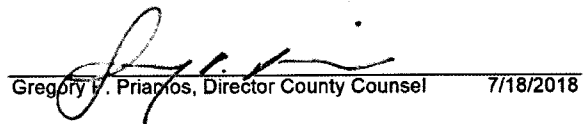
In order for the I-215 at Scott Road Interchange Improvement project to be constructed, the project's streambed impacts must be mitigated through the purchase of credits available through the RCRCO ILFP. Credits from the ILFP have also been obtained for the I-15/Limonite Interchange Project and the I-215/Newport Interchange Project. The ILFP is the only U.S. Army Corps of Engineers' approved mitigation program in the Santa Ana Watershed. The agreement will ensure that the County meets the regulatory requirements necessary in order to construct the project.

Project Number: B3-0689, Federal Aid No.: STPLN-5956(262)

**ATTACHMENTS:**

Agreement with the RCRCO

  
Scott Bruckner 7/23/2018

  
Gregory V. Priaplos, Director County Counsel 7/18/2018

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010

Post Office Box 1147, Riverside, Ca 92502-1147

Thank you.

**AGREEMENT BETWEEN THE RIVERSIDE-CORONA RESOURCE  
CONSERVATION DISTRICT AND THE COUNTY OF RIVERSIDE  
REGARDING MITIGATION FOR THE I-215/SCOTT ROAD  
INTERCHANGE PROJECT**

This Agreement is entered into this 21st day of August 2018, by and between Riverside-Corona Resource Conservation District ("RCRCD"), and the County of Riverside ("Project Proponent" or "County") (collectively the "Parties"), as follows:

**RECITALS**

A. The County is seeking the assistance of RCRCD to satisfy certain offsite mitigation requirements imposed by the United States Army Corps of Engineers ("USACE"), the California Regional Water Quality Control Board, Region 8 ("RWQCB"), and the California Department of Fish and Wildlife ("CDFW") associated with the County's I-215/Scott Road Interchange Project (the "Project"), to be located within Sections 14, 15, 22 and 23 of Township 6 South, Range 3 West, of the U.S. Geological Survey *Romoland* 7.5 minute quadrangle map (33.6414°N/ - 117.1712°W) ("Impact Location").

B. RCRCD has an In-Lieu Fee Program (the "ILF Program") formally approved by the USACE and other regulatory agency members of the "Interagency Review Team" (the "IRT") on July 26, 2012 and such program is currently in good standing with the IRT. RCRCD has received approval from the IRT to sell "ILF Credits" from the Program to offset impacts caused by project proponents such as the County.

C. Under revised Special Condition 4 of the Project's USACE Clean Water Act Section 404 Nationwide Permit Verification Letter dated April 26, 2018 (SPL-2016-00086-VCL) ("404 Permit"), the County is to purchase 0.80 Rehabilitation ILF Credits and 0.30 Enhancement ILF Credits from the ILF Program. Relevant pages from the 404 Permit are attached hereto as Exhibit "A".

D. The Project is also subject to a separate RWQCB section 401 Clean Water Act water quality certification (Certification no. 332015-31) dated April 7, 2017 ("401 Certification"). The 401 Certification is attached hereto as Exhibit "B". Pursuant to the "Offsite Water Quality Standards Mitigation Proposed" located on Page 3 and Condition 5 of the 401 Certification, the County is required to provide compensatory mitigation "through the purchase of 0.97 acre of wetland rehabilitation credit[.]"

E. RCRCD also provides credit-based mitigation to assist project proponents in meeting mitigation requirements set forth in streambed alteration agreements and other permits issued by the California Department of Fish and Wildlife ("CDFW") (collectively, "CDFW Credits;") The Term "Credits" shall refer to the combination of ILF Credits and CDFW Credits.); and

F. Pursuant to a CDFW Streambed Alteration Agreement dated June 6, 2017 (Notification No. 1600-2016-0174-R6) ("SAA"), CDFW is requiring the Project Proponent to provide sufficient funds for "1.23 acres of streambed and riparian habitat restoration and 0.68 acres

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of wetland habitat enhancement[.]” Relevant pages from the SAA are attached hereto as Exhibit “C.”

G. Project Proponent desires to purchase from RCRC and RCRC desires to sell and convey to Project Proponent the following:

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Subject to the terms and conditions herein, RCRC agrees to sell to Project Proponent and Project Proponent agrees to purchase from RCRC 0.97 Rehabilitation ILF Credits and 0.30 Enhancement ILF Credits from the Program, as well as sufficient funds to allow for an additional 0.26 acres of Rehabilitation CDFW Credits and 0.38 acres of Enhancement CDFW Credits to be undertaken by RCRC to satisfy the SAA mitigation requirement for the total purchase price of FOUR HUNDRED EIGHTY-THREE THOUSAND SIX HUNDRED AND NO/100's DOLLARS (\$483,600.00). The purchase price shall be paid by means acceptable to RCRC. The Parties shall mutually agree to a “Closing Date” by which the Credit sale transaction will be completed, which shall be no later than the thirty (30) days following the execution of this Agreement. On the Closing Date, RCRC shall transfer to Project Proponent evidence that the ILF Credits and CDFW Credits have been allocated to the Project by Bill of Sale in the form attached as Exhibit D, and Project Proponent shall pay the purchase price specified above.

2. In the event Project Proponent has not delivered the Purchase Price to RCRC on or before the Closing Date, this Agreement shall automatically terminate without need for any further action by RCRC and RCRC shall have no further obligations to Project Proponent under this Agreement.

3. The sale and transfer herein is not intended as a sale or transfer to Project Proponent of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

4. Project Proponent shall have no obligation whatsoever by reason of the purchase of the Credits to support, pay, fix, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the mitigation property associated with Credits sold or the ILF Program. RCRC shall indemnify and hold harmless the County of Riverside, its respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives (individually and collectively hereinafter referred to as Indemnitees”) from any liability whatsoever based or asserted upon the purchase of the Credits or RCRC's obligation to achieve success criteria or for long-term maintenance of the mitigation property associated with the Credits sold or the ILF Program, arising out of or any relating to this Agreement, and also including but not limited to, property damage, bodily injury, or death, or any other element of any kind or nature whatsoever arising from the performance under this Agreement of RCRC, its officers, employees, subcontractors, agents or representatives for a period of five (5) years following the execution of this Agreement; provided, however, that RCRC shall not be responsible to provide any additional mitigation services or Credits beyond those outlined in Section 1, above, even if CDFW, the RWQCB and/or USACE later modify their respective mitigation requirements. RCRC shall defend at its sole expense, all costs and fees including, but not limited to, attorney fees, cost of

investigation, defense and settlements or awards, the Indemnitees, in any claim or action based upon the purchase of Credits or RCRCDD's obligation for the success, continued expense or maintenance in perpetuity of the mitigation property associated with the Credits sold or the ILF Program.

5. The Credits herein sold to Project Proponent shall be non-transferable and non-assignable, and shall be used as compensatory mitigation only in connection with the Project. Any excess Credits beyond those needed for the Project shall not be utilized for the benefit of any other project, nor shall they be traded or otherwise retained by RCRCDD for future use by the Project Proponent or any other person or entity.

6. All representations, warranties, and covenants embodied in this Agreement shall survive the transfer of the Credits hereunder.

7. RCRCDD shall cooperate and assist Project Proponent by providing documentation required by the IRT, CDFW and RWQCB to establish that the Credits are being used to compensate for the Project's impacts described above. RCRCDD shall provide USACE with a Statement of Sale of Credit in the form of the attached Exhibit E no later than 30 days after the Closing Date of a successful sale.

8. Any notice or other written communication given pursuant to this Agreement shall be delivered to the other Party by first class U.S. mail, certified or registered U.S. mail or facsimile mail with mailed copy as follows:

Project Proponent: Patricia Romo  
Director of Transportation  
Riverside County Transportation Department  
3525 14th Street  
Riverside, California 92501  
Telephone: 951-955-6740

RCRCDD: Shelli Lamb, District Manager  
4500 Glenwood Drive, Building A  
Riverside, CA 92501-3042  
Telephone: (951) 683-7691  
Facsimile: (951) 683-3814

9. It is agreed that all understandings and agreements heretofore had between the Parties respecting the transactions contemplated by this Agreement are merged in this Agreement, which fully and completely expresses the agreement of the Parties. There are no representations, warranties, or agreements except as specified and expressly set forth herein, in the exhibits annexed hereto, or to be set forth in the instruments or other documents delivered or to be delivered hereunder.

10. Any individual signing this Agreement on behalf of a partnership or business entity other than a corporation represents that such other entity has power and authority to enter into this Agreement, and by such person's act is bound hereby.

11. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity other than the parties hereto.

12. This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written,

RCRCD:

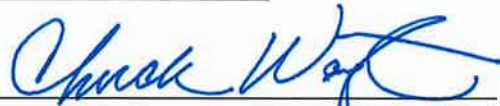
By:



Alfred B. Bonnett, Jr.  
President, Board of Directors

COUNTY OF RIVERSIDE:

By:



Chuck Washington, Chairman  
Board of Supervisors

ATTEST:

KECIA HARPER-JHEM, Clerk

By:



DEPUTY

## EXHIBIT A



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
915 WILSHIRE BOULEVARD, SUITE 930  
LOS ANGELES, CA 90017-3401

April 26, 2018

SUBJECT: Nationwide Permit (NWP) Verification

Russell Williams, Environmental Division Manager  
Riverside County Transportation Department  
3525 14th Street  
Riverside, California 92501

Dear Mr. Williams:

This correspondence is in reply to your request, dated February 20, 2018, to re-verify your Department of Army Permit (SPL-2016-00086-VCL), dated March 17, 2017, under the present terms and conditions of the current Nationwide Permits. Your project, Interstate 215 (I-215)/Scott Road Interchange Project, would result in discharges of permanent fill material into approximately 0.33 acre of wetland and 0.10 acre of non-wetland waters of the U.S. and of temporary fill material into approximately 0.13 acre of wetland and 0.11 acre of non-wetland waters of the U.S. Because this project would result in a discharge of dredged and/or fill material into waters of the U.S., a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330). The proposed project would take place within various tributaries to the Paloma Wash, within the City of Menifee, Riverside County, California. See the enclosed figure. This re-verification of Nationwide Permit authorization supersedes in full, the verification letter dated March 17, 2017.

I have determined construction of your proposed project, if constructed as described in your application, would comply with Nationwide Permit (NWP) No. 14 Linear Transportation Projects. Specifically, and as shown in the enclosed figure(s), you are authorized to:

1. Discharge permanent fill material into approximately 0.33 acre (590 linear feet) of wetland and 0.10 acre (1,352 linear feet) of non-wetland waters of the U.S. associated with extending culverts in order to accommodate the reconstruction and widening of Scott Road overcrossing and widening of I-215; and
2. Discharge temporary dredged or fill material into approximately 0.13 acre (100 linear feet) of wetland and 0.11 acre (1,781 linear feet) of non-wetland waters of the U.S. associated with temporary grading and construction access for equipment.

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure I. Furthermore, you must comply with the non-discretionary Special Conditions listed below:



1. The Permittee shall abide by the terms and conditions of the Clean Water Act section 401 Water Quality Certification, dated April 7, 2017, issued by the Santa Ana Regional Water Quality Control Board.
2. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter avoided waters of the U.S. areas shown in the attached figure. Adverse impacts to waters of the U.S. beyond the Corps Regulatory Division-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements. When project operations are completed, any and all excess construction materials, debris, and other associated excess project materials shall be removed to an appropriate off-site location outside of any waters of the U.S. Proper best management practices and storm water controls shall be implemented and maintained. Temporary fills for diversion or dewatering of the construction site are not authorized by this verification/notice to proceed.
3. No later than one month following completion of authorized work in waters of the U.S., the Permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. In addition, within 12 months of initial occurrence of project impacts to waters of the U.S., the Permittee shall hydroseed, where possible, the disturbed portions of the earthen stream banks and bottom and floodplain, as appropriate, with native, non-invasive species, as appropriate to the affected areas, to reduce the potential for erosion. Disturbed areas where native woody riparian vegetation existed shall be revegetated with native container plantings unless other methods are coordinated with and approved by the Corps Regulatory Division. This will be applied at all drainages. The Permittee shall submit the proposed native planting palette for review and approval by the Corps Regulatory Division at least 30 days prior to initiation of construction. The Permittee shall ensure the affected areas (disturbed stream channel bottoms and banks and hydro-seeded/replanted areas) are maintained and monitored annually for a period of two years after completing the native seeding activities, such that less than 10 percent (absolute cover) of the before mentioned drainages disturbed by the project are vegetated by non-native and invasive plant species (including grasses and forbes). For each project aquatic feature, the Permittee shall submit to the Corps Regulatory Division a memorandum by December 31st, after completion of the minimum two-year maintenance and monitoring period. The memo shall indicate the following for each project crossing/aquatic impact area: 1) date temporary construction areas were re-contoured to pre-construction conditions, 2) date native seeding was completed, 3) the species and percent (absolute) cover of invasive and/or non-invasive plant species that

occur onsite each year prior to treatment, and 4) the date of and extent of invasive and/or non-invasive plant species removal annually.

4. Prior to initiating construction in waters of the U.S. and to mitigate for permanent impacts to approximately 0.10 acre (1,352 linear feet) of non-wetland and 0.33 acre (590 linear feet) of wetland waters of the U.S., and for temporary impacts to 0.11 acre (1,781 linear feet) of non-wetland and 0.13 acre (100 linear feet) of wetland waters of the U.S., the Permittee shall provide documentation verifying the purchase of 0.80 acre worth of rehabilitation mitigation credits and 0.3 acre of enhancement mitigation credits for waters of the U.S. from a Corps-approved in-lieu fee program (i.e., RCRC In-Lieu Fee Program). The Permittee shall not initiate work in waters of the U.S. prior to receiving written confirmation (by letter or e-mail) from the Corps Regulatory Division as to compliance with this special condition. The Permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from a ILFP and the Corps Regulatory Division has received documentation that confirms that the ILFP has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the ILFP, with the permit number and a statement indicating the number and resource type of credits that have been secured from the ILFP.
5. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:
  - A) Date(s) work within waters of the U.S. was initiated and completed;
  - B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
  - C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
  - D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
  - E) Signed Certification of Compliance and Compliance Deliverables Checklist (attached as part of this permit package).
6. This Corps permit does not authorize you to take any threatened or endangered species, in particular the Stephens' kangaroo rat (*Dipodomys stephensi*, "SKR") and Quino checkerspot butterfly (*Euphydryas editha quino*, "Quino"), or to adversely modify designated critical habitat of any federally listed species. In order to legally take a federally listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA section 10 permit, or a Biological Opinion (BO) under ESA section 7, with "incidental take"

provisions with which you must comply)). The enclosed U.S. Fish and Wildlife Service (USFWS) BO (FWS-WRIV-10B0012-10F0967) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps Regulatory Division permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, terms and conditions of which are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with the incidental take specified in the BO, where a take of the federally listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps Regulatory Division permit. The Corps Regulatory Division and USFWS are the appropriate authorities to determine compliance with the terms and conditions of the referenced BO and with the ESA.

7. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory Division (Veronica Li at 213-452-3292 or Stephanie Hall at 213-452-3410) and Archaeology staff (Danielle Storey at 213-452-3855) within 24 hours. The Permittee shall immediately suspend all work within 100 feet of any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

**This verification is valid through March 18, 2022.** If on March 18, 2022 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity I may request the use of discretionary authority in accordance with procedures in 33 CFR part 330.4(c) and 33 CFR part 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date. Additionally, at the national level the Chief of Engineers, any time prior to March 18, 2022, may choose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 CFR part 330.5. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in the Regulatory Program. If you have any questions, please contact Veronica Li at (213) 452-3292 or via e-mail at [Veronica.C.Li@usace.army.mil](mailto:Veronica.C.Li@usace.army.mil). Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at [http://corpsmapu.usace.army.mil/cm\\_apex/P?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/P?p=regulatory_survey).

Sincerely,

COHEN.MARK  
D.1239558450

Digital Signature by  
COHEN.MARK.D.1239558450  
DN: c=US, o=U.S. Government, ou=DoD,  
email=COHEN.MARK.D.1239558450  
Date: 2008.04.10 10:49:49

Mark D. Cohen  
Deputy Chief, Regulatory Division

Enclosures

## **EXHIBIT B**



### **Santa Ana Regional Water Quality Control Board**

April 7, 2017

Mr. Russell Williams  
Environmental Division Manager  
Riverside County Transportation Department  
3525 14<sup>th</sup> Street  
Riverside, CA 92501

[ruwillia@RCTLMA.org](mailto:ruwillia@RCTLMA.org)

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR INTERSTATE 215/SCOTT ROAD INTERCHANGE  
IMPROVEMENT PHASE 1 PROJECT, CITIES OF MENIFEE AND MURRIETA,  
RIVERSIDE COUNTY (USACE FILE NO. NOT AVAILABLE) (SARWQCB PROJECT  
NO. 332015-31)**

Dear Mr. Williams,

On December 21, 2015, we received from Dokken Engineering on behalf of the County of Riverside Transportation Department (Applicant) an application requesting Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project to reconstruct the existing freeway interchange at Interstate 215 (I-215) and Scott Road (Project). The original Project application was withdrawn by the Applicant on July 15, 2016, with a revised application submitted on September 22, 2016. The Applicant modified the revised application information by electronic mail on October 19, 2016. The Applicant submitted a check for \$600.00 with the original Certification application materials, and a second check for \$600.00 with the revised application materials, and a third check for \$54,391.00 on November 14, 2016, which satisfies the fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, Section 2200 (a) (3).

This letter responds to your request for Certification that the proposed Project, described in your application, and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

**Project Description:** The Applicant proposes to reconfigure the I-215 and Scott Road Interchange by widening the on-ramps and off-ramps, constructing new loop ramps on the north side, and

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

2737 Main St., Suite 500, Riverside, CA 92501 | [www.inaturalboards.ca.gov/sar/wqcb](http://www.inaturalboards.ca.gov/sar/wqcb)

♻️ RECYCLED PAPER

improving the Scott Road-Zeiders Road and Scott Road-Antelope Road intersections. Storm drain enhancements include a box culvert extension to be located under Scott Road. An existing culvert under Scott Road on the west side of the interchange will be extended approximately 800', and the extension will be overlain by the new ramps. A water infiltration basin, also part of the stormdrain enhancements, would be placed in the interchange's proposed northeast quadrant loop ramp.

The work will take place in the cities of Menifee and Murrieta, Riverside County in Sections 14, 15, 22 and 23 of Township 6 South, Range 3 West, of the U.S. Geological Survey *Romoland* 7.5 minute topographic quadrangle map (33.6414° N/ -117.1712° W).

**Receiving water:** An unnamed tributary to Salt Creek. Salt Creek has designated beneficial uses (existing or potential) that include: contact recreation (REC1), non-contact recreation (REC2), warm freshwater habitat (WARM), and wildlife habitat (WILD).

**Fill area:**

Permanent Impact to Wetland Waters of the US	<0.01 acre	14 linear feet
Temporary Impact to Wetland Waters of the US	0.07 acre	266 linear feet
Permanent Impact to Non-Wetland Waters of the US	0.28 acre	1,572 linear feet
Temporary Impact to Non-Wetland Waters of the US	0.33 acre	2,251 linear feet

**Dredge/Fill volume:** Not Applicable

**Federal permit:** U.S. Army Corps of Engineers (USACE) Nationwide Permit No. 23 (Approved Categorical Exclusions)

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

**Onsite Water Quality Standards Mitigation Proposed:**

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- The Project Applicant will mitigate 0.29 acre permanent impact at a 2:1 ratio (impacted area to mitigation area) and 0.40 acre of temporary impact at a 1:1 ratio through the purchase of 0.97 acre of wetland rehabilitation credit with the Riverside-Corona Resource Conservation District (RCRCD) In-Lieu-Fee Program.

Should the proposed Project impact State- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife should ensure those impacts are mitigated to an acceptable level.

Because this Project is part of the California State Highway system, appropriate BMPs will be implemented to reduce construction-related impacts to waters of the State per the requirements of State Water Resources Control Board Order No. 2012-0011-DWQ (NPDES Permit No. CAS000003), commonly known as the State of California Department of Transportation Statewide Storm Water Permit and Regional Board Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations of both thereof. Order No. R8-2010-0033 requires that the Applicant substantially comply with the requirements of State Water Resources Control Board General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2009-0009-DWQ.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a Responsible Agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) prepared by the lead agency in determining whether to approve an application submitted for a project to receive 401 Water Quality Certification. A responsible agency has responsibility to mitigate and avoid only the direct and indirect environmental effects of those parts of the project that it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, in approving this Certification, the Regional Board has considered the MND prepared by the Riverside County Transportation Department for the proposed Project and filed with the Office of Planning and Research on May 2, 2011, and subsequent information provided in the Applicant's application. More specifically, the Regional Board has considered those sections of the MND pertaining to impacts to water quality standards. Based on the mitigation proposed in the MND and the conditions set forth in this Certification, potentially adverse impacts to water quality standards should be reduced to a less than significant level and beneficial uses protected, if all stated mitigation and conditions are performed. Thus, the Regional Board independently finds that changes or alterations have been incorporated into the

Project that should avoid or mitigate impacts to water quality to a less than significant level.

**This 401 Certification is contingent upon the execution of the following conditions:**

- 1) This Order for Water Quality Certification will remain valid until the USACE 2017 Individual Permits expire on March 18, 2022, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 2) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.
- 3) The Applicant shall ensure that all fees associated with this Project are paid to each respective agency prior to conducting any onsite construction activities.
- 4) A copy of this 401 Certification, and any subsequent amendments, must be maintained onsite for the duration of work as a denoted element of any Project Storm Water Pollution Prevention Plan (SWPPP).
- 5) The proposed mitigation shall be implemented in a timely manner. A copy of the receipt from the transfer of funds to the RCRC In-Lieu-Fee Program shall be provided to the Regional Board prior to the discharge of fill to, or the dredging or excavation of material from, waters of the State of California.
- 6) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times, unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their transport in storm water or directly into the channel, and may not be located in waters of the United States. Discharges of wastewater from the site are prohibited.
- 7) The Project proponent shall utilize BMPs during Project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the State and of the United States.
- 8) Substances resulting from Project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the State. All waste concrete shall be removed from the Project site.
- 9) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in



waters of the State onsite, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.

- 10) BMPs to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 11) Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/).
- 12) This 401 Water Quality Certification is subject to the acquisition of all local, regional, State, and federal permits and approvals as required by law. Failure to meet any condition contained herein, or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof, may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative civil or criminal liability.
- 13) The Applicant shall ensure written notification to this agency shall be made prior to conducting any onsite construction activities. Such notifications shall be made to Jason Bill at [jason.bill@waterboards.ca.gov](mailto:jason.bill@waterboards.ca.gov).
- 14) When work conducted in accordance with this 401 Certification has been completed, the Applicant shall notify Regional Board staff Jason Bill at [jason.bill@waterboards.ca.gov](mailto:jason.bill@waterboards.ca.gov) within 10 working days. Please cite the SARWQCB Project number listed in the Subject Line above as the Project identifier.

Under California Water Code, Section 1058, and pursuant to California Code of Regulations, Title 23, Chapter 28, §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to Subsection 3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the Applicant.

Mr. Russell Williams  
County of Riverside Transportation Department  
332015-31

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April 7, 2017

If the above-stated Conditions are changed, any of the criteria or Conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require that the Applicant submit a Report of Waste Discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the Conditions of this 401 Water Quality Certification, the holder of any permit or license subject to this Certification shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification. Violations of the Conditions of this Certification may subject the Applicant to civil liability pursuant to Water Code Section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify that any discharge from the referenced Project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:  
[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

Should there be any questions, please contact Jason Bill at (951) 782-3295 or [jason.bill@waterboards.ca.gov](mailto:jason.bill@waterboards.ca.gov), or Wanda Cross at (951) 782-4468 or [wanda.cross@waterboards.ca.gov](mailto:wanda.cross@waterboards.ca.gov).

Sincerely,

for Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):  
Dokken Engineering – Namat Hosseinion – [nhosseinion@dokkenengineering.com](mailto:nhosseinion@dokkenengineering.com)  
Dokken Engineering –Carolynn Daman - [cdaman@dokkenengineering.com](mailto:cdaman@dokkenengineering.com)

Mr. Russell Williams  
County of Riverside Transportation Department  
332015-31

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April 7, 2017

Dokken Engineering – Zach Liptak - [zliptak@dokkenengineering.com](mailto:zliptak@dokkenengineering.com)  
U. S. Army Corps of Engineers, Los Angeles Office - James Mace  
CA Department of Fish and Wildlife – Jeff Brandt  
State Water Resources Control Board, Office of Chief Counsel - David Rice  
State Water Resources Control Board DWQ - Water Quality Certification Unit  
U.S. EPA, Region 9 - Wetlands Section – Melissa Scianni  
U.S. EPA, Region 9 - Wetlands Section – Elizabeth Goldmann

## EXHIBIT C

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
INLAND DESERTS REGION  
3602 INLAND EMPIRE BLVD., SUITE C-220  
ONTARIO, CA 91764



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION NO. 1600-2016-0174-R6

RIVERSIDE COUNTY TRANSPORTATION DEPARTMENT  
I-215/SCOTT ROAD INTERCHANGE IMPROVEMENT PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the Riverside County Transportation Department (Permittee) or as represented by Mr. Russell Williams.

### **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on September 22, 2016, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

### **PROJECT LOCATION**

The I-215/Scott Road Interchange Improvement Project (Project) is located within Paloma Wash, tributary to Canyon Lake, Section 14 and 22, Township 6S, Range 3W, between Post Miles (PMs) 14.8 and 16.2, approximately 2.5 miles north of the Clinton Keith Road interchange and approximately 2.5 miles south of the Newport Road interchange, in the Cities of Menifee and Murietta, County of Riverside, State of California; Latitude 33.6414°, Longitude -117.1712°.

### **PROJECT DESCRIPTION**

The Project is limited to phase one of the construction and modification to the existing tight diamond Interstate 215 (I-215)/Scott Road Interchange. Proposed construction includes: reconstruction and widening the existing overcrossing from two to six lanes (from a current width of 45 feet to a width of 155 feet); removing the existing overcrossing; widening and realigning the northbound diamond on-ramp and

- 2.7.4 No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any lake, streambed, or flowing stream.
- 2.7.5 No equipment maintenance shall be done within or near any lake, streambed, or flowing stream where petroleum products or other pollutants from the equipment may enter these areas under any flow.
- 2.8 Lighting Impacts. Lighting shall be minimized and designed to prevent spillover onto adjacent habitat. All lighting and fencing for infrastructure adjacent to areas of FGC section 1602 resources shall be designed or reviewed by a qualified biologist to allow wildlife to move without hindrance.

### 3. Compensatory Measures

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement habitat restoration offsite following each measure listed below.

- 3.1 Habitat Restoration and Enhancement - Offsite. Permittee shall mitigate project impacts through the contribution of sufficient funds for 1.23 acres of streambed and riparian habitat restoration and 0.68 acres of wetland habitat enhancement to the Riverside-Corona Resource Conservation District or other CDFW-approved mitigation entity. **Permittee shall obtain CDFW approval, in writing, regarding the choice of the mitigation prior to contribution of funds.** Habitat "restoration" activities shall include: recontouring the stream bank and adjacent areas to natural grade, removal of nonnative plant species, trash, and debris; installation of temporary irrigation; and the installation of riparian and riparian-upland transitional plant species where appropriate. Habitat "enhancement" activities shall include: removal of nonnative plant species, trash, and debris; installation of temporary irrigation; and the installation of riparian and riparian-upland transitional plant species where appropriate.

**Proof of purchase shall be provided to CDFW prior to commencement of any project activities in jurisdictional areas.**

**CONCURRENCE**

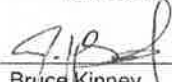
The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR THE RIVERSIDE COUNTY  
TRANSPORTATION DEPARTMENT**

  
\_\_\_\_\_  
Russell Williams  
Environmental Division Manager

5/16/17  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

*For*   
\_\_\_\_\_  
Bruce Kinney  
Environmental Program Manager

6.6.2017  
\_\_\_\_\_  
Date

Prepared by: Claire Ingel  
Environmental Scientist



**EXHIBIT D**

**BILL OF SALE**

Contract No. 2018-08-21-01

In consideration of the payment of FOUR HUNDRED EIGHTY-THREE THOUSAND SIX HUNDRED AND NO/100's DOLLARS (\$483,600.00), receipt of which is hereby acknowledged, RCRCO does hereby recognize that the County of Riverside (the "Project Proponent"), has acquired 0.97 Rehabilitation ILF Credits and 0.30 Enhancement ILF Credits from the Program, as well as sufficient funds to allow for an additional 0.26 acres of Rehabilitation CDFW Credits and 0.38 acres of Enhancement CDFW Credits to be undertaken by RCRCO to satisfy the SAA mitigation requirement.

DATED: August 21, 2018

By: Shelby Lamb  
District Manager

cc: Steve Anderson, General Counsel, General Counsel, RCRCO,  
Best Best & Krieger LLP





RIVERSIDE-CORONA RESOURCE CONSERVATION DISTRICT

August 21, 2018

U.S. Army Corps of Engineers  
Los Angeles District – Regulatory Division  
915 Wilshire Blvd.  
Los Angeles, CA 90017

Subject: Statement of Sale for 0.97 Rehabilitation Credit and 0.30 Enhancement Credit from the RCRCD In-Lieu Fee Program to County of Riverside for the 215/Scott Road Interchange Improvement Project.

The Riverside-Corona Resource Conservation District has an agreement with the U.S. Army Corps of Engineers – Los Angeles District to operate an In-Lieu-Fee Program. This letter confirms the sale of 0.97 Rehabilitation Credit and 0.30 Enhancement Credit to the County of Riverside for the I-215/Scott Road Interchange Improvement Project. These credits are being used as compensatory mitigation for temporary and permanent impacts to wetland and non-wetland waters of the U.S. as authorized by USACE 404 Nationwide Permit Verification Letter dated April 26, 2018 (SPL-2016-00086-VCL), and a separate RWQCB 401 Clean Water Act water quality certification dated April 7, 2017 (Certification No. 332015-31). By selling credits to the above permittee, RCRCD is the party responsible for fulfilling the mitigation aspect of Special Condition No. 4 of the USACE 404 Nationwide Permit Verification Letter and the Offsite Water Quality Standards Mitigation, as described in the first full paragraph on page three (3) of the RWQCB 401 Clean Water Act water quality certification.

Sincerely,

SHELLI LAMB  
District Manager

cc: R.J. Van Sant, Project Manager/Biologist, Regulatory Division, U.S. Army Corps of Engineers, Carlsbad Field Office  
James Mace, Senior Project Manager, Regulatory Division, U.S. Army Corps of Engineers, Los Angeles District  
Marc Brown, Regional Planning Programs, Regional Water Quality Control Board-Santa Ana Region.  
Sarvy Mahdavi, Environmental Protection Specialist, Wetlands Regulatory Office, U.S. EPA, Region 9  
Steve Anderson, General Counsel, RCRCD, Best Best & Krieger LLP

**Riverside-Corona Resource  
Conservation District**

4500 Glenwood Drive, #A  
Riverside, CA 92501  
Phone: 951-683-7691  
Fax: 951-683-3814  
Email: [RCRCD@RCRCD.COM](mailto:RCRCD@RCRCD.COM)

**RECEIPT**

The following number must appear on all related correspondence:  
PROJECT NUMBER: 18-08-24

TO: Mary Zambon  
Riverside County Transportation  
And Land Management Agency  
3525 14<sup>th</sup> Street  
Riverside, CA 92501

For: I-215/Scott Road Interchange Project  
Purchase

EIN: 33-0071697

INV. DATE	REQUISITIONER	PROJECT	LOCATION	F.O.B. POINT	TERM
8-24-18	Mary Zambon	I-215/Scott Interchange	Riverside County	N/A	

QTY	UNIT	DESCRIPTION		TOTAL
1.23		Receipt of Check #0503727706, in the amount of \$48,300 for purchase of 1.23 rehabilitation credits and 0.68 enhancement credits from the Riverside-Corona RCD for CDFW-1600-2016-0174-R6, ACOE SPL-2016-00086-VCL and RWQCB 332015-31.  Five years third party insurance requirement by County	265,000	\$325,950
0.68			230,000	\$156,400
			250	\$1,250

SUB-TOTAL \$483,600.00

**Paid by Check # 0503727705**

**TOTAL DUE \$0.00**

**THANK YOU FOR YOUR SUPPORT**

Please make check payable to Riverside-Corona Resource Conservation District