

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



ITEM
11.4
(ID # 9726)

MEETING DATE:
Tuesday, May 21, 2019

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approval of Amendment No. 1 to Proposition 84 Integrated Regional Water Management (IRWM) Program 2015 Implementation Grant Funding Contract between the Santa Ana Watershed Project Authority (SAWPA) and Riverside County Flood Control and Water Conservation District (District) for Sunnymead Master Drainage Plan (MDP) Line B, Stages 3 and 4 (also known as Heacock Channel), Project No. 4-0-00011, CEQA Exempt, Districts 3 and 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Amendment No. 1 to Proposition 84 Integrated Regional Water Management (IRWM) Program 2015 Implementation Grant Funding Contract is exempt from CEQA according to Sections 15061(b)(3), of the State CEQA Guidelines;
2. Approve Amendment No. 1 to Proposition 84 IRWM Program 2015 Implementation Grant Funding Contract between the Santa Ana Watershed Project Authority (SAWPA) and Riverside County Flood Control and Water Conservation District (District);
3. Authorize the Chairwoman to execute the Amendment documents on behalf of the District; and
4. Direct the Clerk of the Board to return two (2) executed Amendments to the District.

ACTION: Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

5/9/2019

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: May 21, 2019
xc: Flood

Kecia Harper
Clerk of the Board

By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 2015 Proposition 84 Integrated Regional Water Management Implementation Grant			Budget Adjustment: No	
			For Fiscal Year: 18/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On December 13, 2016 (Board Agenda Item No. 11.6), the Board of Supervisors approved the Proposition 84 IRWM Program 2015 Implementation Grant Funding contract for the District's Integrated Watershed Protection Program which is comprised of three (3) projects developed in partnership with the City of San Jacinto, Beaumont-Cherry Valley Water District and Lake Hemet Municipal Water District.

The City of San Jacinto was unable to fulfill the terms of the Proposition 84 IRWM Program 2015 Implementation Grant Funding contract therefore, the District substituted the previous project with the Sunnymead Master Drainage Pan (MDP) Line B, Stages 3 and 4 project (also known as Heacock Channel) as it provided similar benefits. This Amendment No. 1 is necessary to substitute the San Jacinto River, Stage 4, Phase 1 project with the Sunnymead Master Drainage Pan (MDP) Line B, Stages 3 and 4 project (also known as Heacock Channel) in the agreement with SAWPA.

The Sunnymead MDP Line B, Stages 3 and 4 (also known as Heacock Channel), will reduce flooding along Heacock Street and provide flood protection to residential and commercial properties located east of the channel along Heacock Street between Delphinium Avenue and Krameria Avenue.

SAWPA would serve as the program manager, for the expenditures of the 2015 Proposition 84 IRWM Grant funds.

County Counsel has approved the Agreement as to legal form.

Environmental Findings

Pursuant to CEQA, the grant funding contract was reviewed and determined to be exempt from CEQA pursuant to State Guidelines Sections 15061 (b) (3) based upon the general rule that CEQA only applies to projects with the potential to cause a significant effect on the environment. The grant funding contract will not, in and of itself, result in a physical change to the environment. The grant funding contract does not authorize to any extent whatsoever actual

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physical development. Such development, if it occurs at all, will be the result of subsequent actions subject to further District approvals and CEQA review. Therefore, the grant funding contract is not a project within the meaning of CEQA. No further CEQA analysis is required.

Impact on Residents and Businesses

The 2015 IRWM Grant will provide much needed state grant funding through Proposition 84 to implement key projects for the region's water resources, communities and environment through the following projects:

- The Sunnymead MDP Line B, Stages 3 and 4 (also known as Heacock Channel) will remove approximately 28 acres of Federal Emergency Management Agency (FEMA) Zone A special flood hazard area and approximately 200 acres of FEMA Zone D special flood hazard area, thereby protecting healthcare facilities, federal properties, and approximately 127 residences and businesses in the city of Moreno Valley from flooding.
- The Bautista Ponds Optimization (aka Bautista Creek Channel Recharge Basin Expansion), will provide approximately 1,200 acre-feet per year (AFY) to the Lake Hemet Municipal Water District project partner. The Pond Component will also make use of State Water Project ("SWP") water during "wet years" by recharging SWP water, providing it for dry year yield, and thereby aiding the region in meeting the 9,000 AFY deliverable described in the Soboba Band of Luiseño Indians Tribal Settlement Agreement.
- The Beaumont MDP Line 16, will provide 547 AFY of stormwater to benefit the Beaumont-Cherry Valley Water District project partner. The water that is captured and percolated will reduce the Beaumont-Cherry Valley Water District demand for imported water purchased from the San Geronio Pass Water Agency.

Prev. Agn. Ref.: MT 3110 11.6 of 12/13/16

Additional Fiscal Information

Funding will be provided by California Department of Water Resources ("DWR") via the 2015 Proposition 84 Integrated Regional Water Management Implementation Grant.

ATTACHMENTS:

1. Vicinity map
2. Amendment No. 1

AMR:blm
P8/225661

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Gregory V. Priamos, Director County Counsel 5/10/2019

AMENDMENT NO. 1
PROPOSITION 84 INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM
2015 IMPLEMENTATION GRANT FUNDING CONTRACT
BETWEEN THE
SANTA ANA WATERSHED PROJECT AUTHORITY
AND
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

This is Amendment No. 1 to the Proposition 84 Integrated Regional Water Management Program ("IRWMP") 2015 Solicitation Implementation Grant Funding Contract made between Santa Ana Watershed Project Authority ("SAWPA") and Riverside County Flood Control and Water Conservation District (the "Sub-Grantee") executed by SAWPA on November 17, 2016, and by Sub-Grantee on December 13, 2016. SAWPA and the Sub-Grantee may be individually referred to as "Party", and collectively referred to as the "Parties".

WHEREAS, Exhibit A of the Department of Water Resources Grant Agreement No. 4600011515 has been amended to replace the *San Jacinto River, Stage 4, Phase 1* project with the *Sunnymead Master Drainage Pan (MDP) Line B Stages 3 and 4* project as well as update the deliverables and tasks based on this change; and

WHEREAS, Exhibit B of the Department of Water Resources Grant Agreement No. 4600011515 has been amended to revise the total project cost from \$30.5M to \$27.9M, decrease the required funding match to \$8.0M, and decrease the additional cost share to \$14.8M.

THEREFORE, based on the foregoing incorporated recitals and in consideration of the mutual covenants and conditions set forth in the Grant Funding Contract, the Parties hereby agree to modify the following sections to their Grant Funding Contract:

SECTION 1. PROJECT DESCRIPTION AND SUB-GRANTEE DELIVERABLES

The Project will be included as a part of the Sub-Grantee's ongoing Integrated Watershed Protection Program ("Program") that actively develops watershed-wide stormwater management plans that integrate water quality and water recharge facilities with flood control facilities. The Program will also identify opportunities for stream restoration, wildlife corridor and species habitat enhancement, as they relate to stormwater management, as these opportunities are best evaluated from a watershed-wide perspective.

The Sub-Grantee's Project deliverables include:

- The **Sunnymead Master Drainage Plan (MDP) Line B (also known as Heacock Channel) Stages 3 and 4** ("Channel Component"), an approximately **3,000 feet** long, approximately **11-13 feet** high and **25 feet** wide channel replacement in western Riverside County to remove approximately 28 acres of known Federal Emergency Management Agency (FEMA) floodplain Zone A and approximately 200 acres of FEMA floodplain Zone D thereby protecting healthcare facilities, federal properties, and approximately 127 residences and businesses in the City of Moreno Valley.
- The **Bautista Optimization Pond Component** ("Pond Component"), a groundwater recharge project in western Riverside County to expand upon the existing recharge facilities in an approximately sixteen (16) acre site. It will include constructing a series of **six (6)** recharge ponds constructed adjacent to the Bautista Channel as well as **six (6)** corresponding inlet and outlet facilities to provide approximately **1,200 acre feet per year (AFY)** to the Lake Hemet Municipal Water District project partner. The Pond Component will also make use of State Water Project ("SWP") water during "wet years" by recharging SWP water, providing it for dry

MAY 21 2019 11.4

year yield, and thereby aiding the region in meeting the 9,000 AFY deliverable described in the Soboba Band of Luiseno Indians Tribal Settlement Agreement; and

- The **Beaumont Master Drainage Plan-Line 16 Component** (“Pipeline Component”), a stormwater collection and conveyance project in an unincorporated area in western Riverside County known as Cherry Valley to provide **547 AFY** of stormwater to benefit the Beaumont-Cherry Valley Water District project partner. The collection will be implemented by attenuating stormwater flows from an approximately 500-acre watershed and the conveyance will be implemented through construction of approximately **6,800 linear feet** of reinforced concrete pipeline to deliver water to existing recharge ponds. The Pipeline Component includes retrofitting the recharge facilities with inlet and outlet structures. The Pipeline Component will protect the Cherry Valley community from floodwater by reducing stormwater flows in areas downstream of the Pipeline Component area. The water that is captured and percolated will reduce the Beaumont-Cherry Valley Water District demand for imported water purchased from the San Geronio Pass Water Agency thereby saving their customers an estimated amount of approximately \$173,000 per year.
- The **Project Monitoring Plan** as described in Paragraph 21 of the Grant Agreement. The Project Monitoring Plan must be approved by SAWPA and DWR before the Sub-Grantee implements any sampling or monitoring activities. The Sub-Grantee will report on the benefits of the Project based on the Project Monitoring Plan using a final **Project Completion Report and Post Performance Reports** described in Section 18 and Section 20 of the original Contract.
- All other deliverables described in the **Grant Agreement** such as the deliverables listed in Paragraph 15 of the Grant Agreement.

SECTION 3. ESTIMATED ELIGIBLE PROJECT COSTS; GRANT AMOUNT

The estimated reasonable cost of the Project at the time of SAWPA's and DWR's approval of Amendment No. 1 is **Twenty-Seven Million Eight Hundred Eighty-Six Thousand Five Hundred Twenty-Five dollars (\$27,886,525)** for implementation of the Project. Subject to all of the terms, provisions, and conditions of this Contract, and subject to the availability of the grant funds, SAWPA shall disburse such grant funds in a **sum not to exceed Five Million Fifty-Four Thousand Three Hundred Two dollars (\$5,054,302)**. However, SAWPA's actual grant disbursements to the Sub-Grantee under this Contract shall not exceed payments received from the DWR. All grant disbursements will be reimbursements. Per **Exhibit D** of the Grant Agreement, the DWR shall withhold retention.

If the Sub-Grantee proceeds to construction of the Project, the final grant amount will be determined in accordance with the provisions of this Contract. If the Sub-Grantee fails or refuses to proceed with or complete the construction of the Project, SAWPA shall consider such failure or refusal to be a material violation and breach of this Contract. SAWPA shall have all rights and remedies as are otherwise available to it for breach of this Contract by the Sub-Grantee.

If actual Project costs exceed the Project's estimated reasonable cost, SAWPA shall have no obligation to provide grant funds for such exceedance.

Eligible Project costs include the reasonable costs of studies, engineering, design, land and easement acquisition, legal fees, preparation of environmental documentation, environmental mitigations, monitoring, and construction.

Reasonable administrative expenses may be included as eligible Project costs or cost share and will depend on the complexity of the Project preparation, planning, coordination, construction, acquisitions, implementation, and maintenance. Reasonable administrative expenses are the necessary costs

incidentally but directly related to the Project including the portion of overhead and administrative expenses that are directly related to the Project.

Costs not eligible for reimbursement or eligible to be counted as cost share are described in Paragraph ten (10) of the Grant Agreement.

Work performed after **January 1, 2011**, is eligible to be counted as cost share. Work performed after **January 17, 2014**, is eligible for grant reimbursement.

SECTION 20. POST-PERFORMANCE REPORTS

Post-Performance Reports as described in **Exhibit G** of the Grant Agreement shall be submitted to SAWPA within **seventy-five (75) calendar days** after the first operational year of the Project has elapsed. This record keeping and reporting process shall be repeated annually for a total of **three (3) years** after the completed Project begins operation. The format of the Post Performance Report is outlined in both the Project Completion Report Section 19 (f) and in Exhibit G of the Grant Agreement. The Parties to this Contract understand and agree that this covenant shall survive the expiration or termination of this Contract while not to exceed the Post-Performance Reporting period.

IN WITNESS THEREOF, the parties have executed this Contract on the later date set forth below.

SANTA ANA WATERSHED PROJECT AUTHORITY

Dated: 3/28/19

By: Rich Haller
Rich Haller, General Manager

Sub-Grantee

RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: Jason E. Uhley
JASON E. UHLEY
General Manager-Chief Engineer

By: Karen S. Spiegel
KAREN SPIEGEL, Chairwoman
Riverside County Flood Control and Water Conservation District Board of Supervisors

Dated: 4/25/19

Dated: MAY 21 2019

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER
Clerk of the Board

By: Synthia M. Gunzel
SYNTHIA M. GUNZEL
Chief Deputy County Counsel

By: Karen Harper
Deputy

(SEAL)

Dated: 5-9-19

Dated: MAY 21 2019