

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



ITEM: 3.3
(ID # 11895)

MEETING DATE:

Tuesday, March 10, 2020

FROM: EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approval of the Memorandum of Understanding for Conducting A Water Quality Improvement Monitoring And Assessment Program for Eutrophic Conditions in the Santa Margarita River Estuary and Watershed In Accordance With Investigative Order No. R9-2019-0007 between the Commanding General, Marine Corps Installations West - Marine Corps Base, Camp Pendleton, the Riverside County Flood Control and Water Conservation District, the County of Riverside, the County of San Diego and the Cities of Murrieta, Temecula, and Wildomar , Districts 1, 3 and 5. CEQA Exempt. [Total \$956,161- 100% District Funds] (Companion Item to MT Item No. 11685)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15306 and 15061(b)(3);
2. Approve the Memorandum of Understanding for Conducting A Water Quality Improvement Monitoring And Assessment Program for Eutrophic Conditions in the Santa Margarita River Estuary and Watershed In Accordance With Investigative Order No. R9-2019-0007 (MOU) between the Commanding General, Marine Corps Installations West - Marine Corps Base, Camp Pendleton; the Riverside County Flood Control and Water Conservation District ("District"); the County of Riverside; the County of San Diego and the Cities of Murrieta, Temecula, and Wildomar for a period of five (5) years;


Frankie Z. Ezzat, Chief Deputy County Executive Officer 2/28/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Hewitt 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: March 10, 2020
xc: EO, Flood

Kecia R. Harper
Clerk of the Board

By: 
Deputy

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

3. Authorize the Chairman of the Board to execute the same on behalf of the District; and
4. Authorize the General Manager-Chief Engineer, or designee, to take all necessary steps to implement the MOU including, but not limited to, (i) negotiating, approving and executing any non-substantive amendments, subject to approval by County Counsel, and (ii) signing subsequent essential and relevant documents, subject to approval by County Counsel; and
5. Direct the Clerk of the Board to return eight (8) signed MOUs to the District.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 173,899	222,270	\$956,161	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 25200-947580-525440 (NPDES Santa Margarita Assessment)			Budget Adjustment: No	
			For Fiscal Year: 19/20-23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Santa Margarita River Estuary ("Estuary") is located along the southern California coast in northern San Diego County on the southwestern edge of the Marine Corps Installations West - Marine Corps Base, Camp Pendleton ("Camp Pendleton"). The Estuary is one of the few remaining and largely unmodified coastal estuaries in southern California, providing 192 acres of valuable estuarine habitat including mudflats, salt pannes, salt marsh, and subtidal habitats. This unique estuarine habitat includes beneficial uses of water that provide important refuge, foraging areas, and breeding grounds suitable for several threatened and or endangered species, as well as coastal marine species. These include populations of State and federally endangered or threatened species such as the California Least Tern, Western Snowy Plover and Southern California Steelhead.

The Estuary's watershed, the Santa Margarita Watershed, drains into the Pacific Ocean and covers an area of approximately 750 square miles, encompassing portions of both the County of Riverside and the County of San Diego. Approximately 73.5 percent of the Santa Margarita Watershed land surface falls within the County of Riverside, which includes the City of Temecula, the southwest portion of unincorporated County of Riverside, and portions of the Cities of Menifee, Murrieta and Wildomar. The remaining 26.5 percent of the Santa Margarita Watershed is in the County of San Diego, where Camp Pendleton and the unincorporated communities of Fallbrook and Rainbow are located.

In 1986, the California Regional Water Quality Control Board, San Diego Region ("San Diego Water Board") placed the Estuary on the Clean Water Act Section 303 (d) List of Water Quality

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Limited Segments due to eutrophic conditions, which affect the ability of the Estuary's waters to provide essential habitat for a number of rare and endangered species of fish and birds.

On May 9, 2019, the California Regional Water Quality Control Board, San Diego Region issued Investigative Order No. R9-2019-0007 to assess the condition of the Estuary and evaluate the linkage between nutrient loading trends resulting from implementation actions by MS4 owners and the restoration of the water quality and beneficial uses in the Estuary. The District, the County of Riverside, and the Cities of Murrieta, Temecula and Wildomar – the Riverside County Co-Permittees regulated by the 2015 Permit ("Riverside Co-Permittees") – together with the County of San Diego and Camp Pendleton, as owners and operators of MS4s within the Santa Margarita Watershed, are required by Investigative Order No. R9-2019-0007 to monitor the water quality condition of the Estuary for a period of four years starting in 2020 and ending after October 2023, with a final report summarizing the findings due in March 2024. The City of Menifee is not subject to Investigative Order No. R9-2019-0007 because its individual land footprint in the Santa Margarita Watershed is very small (less than one percent of the total Santa Margarita Watershed area).

The MOU documents the intentions of the Riverside Co-Permittees, Camp Pendleton, and the County of San Diego ("Partners") to collaborate and share costs associated with conducting a water quality improvement monitoring and assessment program in coordination with the Naval Information Warfare Center Pacific (NIWC-PAC), formerly the Space and Naval Warfare Systems Command (SPAWAR) Systems Center Pacific, for eutrophic conditions in the Estuary as required by Investigative Order No. R9-2019-0007.

The Partners intend for NIWC-PAC, a landmark Naval research facility in San Diego, to implement the Estuary and Groundwater Monitoring within Camp Pendleton in coordination with and/or on behalf of the Partners in compliance with requirements prescribed in Investigative Order No. R9-2019-0007, Monitoring and Assessment Work Plan, and Quality Assurance Project Plan. NIWC-PAC has specialized skills in aquatic sampling, extensive knowledge of the Estuary's biology and experience with conducting chemical and biological monitoring in the Estuary over the last decade, which makes it uniquely qualified to implement the Estuary and Groundwater Monitoring within Camp Pendleton.

Additionally, in accordance with the requirements in Investigative Order No. R9-2019-0007, the District will conduct in-stream river monitoring within its respective jurisdiction on behalf of the Riverside Co-Permittees and the County of San Diego will conduct in-stream river monitoring within its respective jurisdiction.

County Counsel has approved the MOU as to legal form. A companion item appears on the Riverside County's Board Agenda for approval this same date.

Environmental Findings

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Pursuant to CEQA, the District has determined that the approval of the MOU is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. Section 15061(b)(3) or the "common sense exemption" applies to activities where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The MOU merely documents the intentions of the co-permittees to fulfill certain permit requirements and provide funding to do so and do not include any physical changes to the environment.

Additionally, water quality monitoring required by Investigative Order No. R9-2019-0007 is exempt from CEQA pursuant to State CEQA Guidelines Section 15306 Information Collection. The District has determined that there is no possibility that the approval of the MOU, or the proposed water quality monitoring may have a significant effect on the environment.

Impact on Residents and Businesses

The MOU will help to protect, preserve and enhance the quality of the water and the natural environment of the Santa Margarita Watershed.

Additional Fiscal Information

The approval of the MOU will help to meet the requirements of Investigative Order No. R9-2019-0007, including the Estuary and Groundwater Monitoring within Camp Pendleton.

Following are the estimated costs per fiscal year for the Estuary and Groundwater Monitoring within Camp Pendleton:

	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY23/24	TOTAL
Estuary and Groundwater Monitoring within Camp Pendleton	\$173,899	\$222,270	\$227,030	\$234,548	\$98,413	\$956,161

In addition, the District will conduct the in-stream river monitoring within its respective jurisdiction. This in-stream river monitoring is anticipated to cost \$240,000.

Sufficient funds are included in Riverside County Flood Control and Water Conservation District's Fiscal Year 2019-2020 budget, and will be included in the proposed budgets for Fiscal Years 2020-2021 through 2023-2024, as appropriate.

ATTACHMENTS:

1. Vicinity Map
2. Memorandum of Understanding


Gregory Y. Priamos, Director County Counsel 2/28/2020

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COMMANDING GENERAL, MARINE CORPS INSTALLATIONS WEST-MARINE
CORPS BASE, CAMP PENDLETON (MCIWEST-MCB CAMPEN)
AND
THE CITY OF MURRIETA
AND
THE CITY OF TEMECULA
AND
THE CITY OF WILDOMAR
AND
THE COUNTY OF SAN DIEGO
AND
THE COUNTY OF RIVERSIDE
AND
THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT
FOR
CONDUCTING A WATER QUALITY IMPROVEMENT MONITORING AND
ASSESSMENT PROGRAM FOR EUTROPHIC CONDITIONS IN THE SANTA
MARGARITA RIVER ESTUARY AND WATERSHED IN ACCORDANCE WITH
INVESTIGATIVE ORDER NO. R9-2019-0007

M02214-20200114-0158

This is a Memorandum of Understanding (MOU) between the Commanding General, MCIWEST-MCB CAMPEN, the City of Murrieta, the City of Temecula, the City of Wildomar, the County of San Diego, the County of Riverside, and the Riverside County Flood Control and Water Conservation District, hereinafter referred to as "Partners".

1. BACKGROUND: The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) placed the Santa Margarita River Estuary (SMRE) on the Clean Water Act Section 303(d) List of Water Quality Limited Segments in 1986 due to eutrophic conditions. Numerous studies conducted in the SMRE since the listing have determined that the impairment is caused by excessive amounts of total nitrogen and total phosphorus (nutrients) entering the SMRE stimulating algal growth and subsequently eutrophic conditions. As a result of this listing, Total Maximum Daily Loads (TMDLs) are required to be developed by the San Diego Water Board for nutrients at a level necessary to achieve the applicable water quality standards. To this end, in 2006 the San Diego Water Board issued Investigative Order (IO) No. R9-2006-0076 to Municipal Separate Storm Sewer System (MS4) owners within the SMRE watershed to assess the impairment and gather monitoring data necessary to develop TMDLs. The MS4 owners listed in IO No. R9-2006-0076 entered into MOA No. 08-MU-35-0005 to accomplish the required monitoring which confirmed the impairment of the SMRE was due to eutrophication. In 2012, as a follow-on effort to IO No. R9-2006-0076, the San Diego Water Board, MS4 owners, and other stakeholders established the Santa Margarita River Watershed Nutrient Initiative Stakeholder Group (Stakeholder Group) with the purpose of implementing

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supplemental monitoring and special studies to answer key technical questions for the development of site specific Nutrient Numeric Endpoint (NNE) targets for the SMRE. The NNE framework approach for California estuaries developed by the Southern California Coastal Water Research Project (SCCWRP) uses site-specific ecological response variables and benthic community condition scores combined with a weight of evidence approach to more directly and robustly assess beneficial use impairment than relying on nutrient concentrations alone. The San Diego Water Board in collaboration with the Stakeholder Group used the NNE approach to develop numeric targets for the SMRE and published their findings in the July 2018 Draft Staff Report titled *Santa Margarita River Estuary, California Nutrients Total Maximum Daily Load Project*. According to analysis presented in the Draft Staff Report, the enforcement and full implementation of the Region-wide Agricultural Waste Discharge Requirements Order No. R9-2016-0005, the Regional Phase I MS4 Permit Order No. R9-2013-0001 as amended, and the Statewide Phase II MS4 Permit 2013-0001-DWQ as amended, combined with natural attenuation of polluted groundwater, is expected to achieve the load reductions necessary to restore the beneficial uses of the SMRE.

As an alternative to a traditional rule-making TMDL, the San Diego Water Board issued IO No. R9-2019-0007 to the Partners on May 9, 2019 to assess the condition of the SMRE and evaluate the linkage between nutrient loading trends resulting from implementation actions by MS4 owners and the restoration of the water quality and beneficial uses in the SMRE. The Partners, as owners and operators of MS4s within the SMRE watershed are required by IO No. R9-2019-0007 to monitor the SMRE water quality condition for a period of four years starting in 2020 with a final report summarizing the findings due in March 2024.

2. AUTHORITIES: The following authorities are provided for reference purposes.

- a. Title 10, U.S. Code 2539(b) (Availability of samples, drawings, information, equipment, materials, and certain services.)
- b. Clean Water Act, Title 33, U.S. Code 1323.
- c. DoD Instruction 4000.19, Support Agreements, 25 April 2013.

3. PURPOSE: This MOU documents the Partners' intentions to collaborate and share costs associated with conducting a water quality improvement monitoring and assessment program in coordination with Naval Information Warfare Center Pacific (NIWC-PAC) for eutrophic conditions in the SMRE (SMRE Monitoring Program) as required by IO No. R9-2019-0007.

4. UNDERSTANDINGS OF THE PARTNERS:

4.1. The Partners intend for NIWC-PAC to implement the SMRE Monitoring Program in coordination with and/or on behalf of the Partners in compliance with requirements prescribed in IO No. R9-2019-0007, Monitoring and Assessment Work Plan, and Quality Assurance Project Plan. The Partner's understand that NIWC-PAC has specialized skills in aquatic sampling, extensive knowledge of the estuary biology and experience with conducting chemical and biological monitoring in the SMRE over the last decade. The roles of all Partners and NIWC-PAC

will be in accordance with Section 4 of the Final Quality Assurance Project Plan for Santa Margarita River Estuary and Watershed Monitoring and Assessment Program.

4.2. The Partners understand that separate funding agreements will need to be coordinated with NIWC-PAC in order to fulfill the purposes of this MOU. Accordingly, MCIWEST-MCB CAMPEN intends to coordinate with NIWC-PAC in completing Fiscal Form 7600A, United States Government General Terms & Conditions (GT&C). The remaining Partners intend to coordinate with NIWC-PAC in completing Cooperative Support Agreements; these agreements will be provided by NIWC-PAC to the Partners. Riverside County Flood Control and Water Conservation District, will enter into such agreement with NIWC-PAC on behalf of the County of Riverside, City of Murrieta, City of Temecula, City of Wildomar, and Riverside County Flood Control and Water Conservation District.

4.3. The Partners understand that if one or more Partners do not fulfill their funding agreements with NIWC-PAC, then required work may be delayed and/or proportionately reduced until funding is received.

4.4. The Partners intend to collaborate and share costs required to manage and implement the SMRE Monitoring Program. The Partners will designate representatives to serve as points of contact for decision making and planning related to the SMRE Monitoring Program. The Partners' representatives will participate in the oversight of the SMRE Monitoring Program, attend meetings, develop strategies, and review draft work plans, technical data and draft monitoring reports.

4.5. The Partners understand that the estimated costs of the SMRE Monitoring Program are as follows:

Cost Share Partner		FY 2020 ¹	FY 2021	FY 2022	FY 2023	FY 2024	Totals
MCIWEST- MCB CAMPEN	<i>Administration</i>	\$6,795	\$15,901	\$16,031	\$16,642	\$17,893	\$73,262
	<i>River Station</i>	\$37,500	\$38,635	\$39,774	\$40,917	\$5,000	\$161,826
	<i>Groundwater</i>	\$56,800	\$58,286	\$59,789	\$61,893	\$0	\$236,768
	<i>Estuary (2.74%)²</i>	\$3,877	\$3,829	\$3,944	\$4,062	\$0	\$15,712
	Total	\$104,972	\$116,651	\$119,538	\$123,514	\$22,893	\$487,568
County of San Diego ³		\$22,334	\$32,165	\$32,748	\$33,872	\$19,682	\$140,801
Riverside Co-permittees ³ : City of Murrieta City of Temecula City of Wildomar County of Riverside Riverside County Flood Control and Water Conservation District		\$173,899	\$222,270	\$227,030	\$234,548	\$98,413	\$956,161
Total		\$301,205	\$371,086	\$379,316	\$391,934	\$140,988	\$1,584,530

4.6. The Partners understand that any and all work, data, and documents produced in cooperation for compliance with the requirements prescribed in the IO, including originals prepared by anyone in connection with or pertaining to the work under this MOU, shall become the property in whole and in part of all Partners, jointly and severally.

4.6.1. The Partners will implement an agreed upon quality control and quality assurance process for the release of monitoring data amongst the Partners. The Partners understand that data shall be released in a timely manner under an agreed upon schedule to accommodate compliance reporting and data upload requirements.

4.6.2. The Partners understand that if one or more Partners do not fulfil their obligation to produce or make available the required monitoring data necessary to fulfill the assessment for compliance reporting in a timely manner that said data may not be included in compliance reporting in order to meet the regulatory deadlines.

¹ FY is the United States Federal Government's Fiscal Year from October 1 through September 30. For example: FY2020 is between October 1, 2019 and September 30, 2020.

² MCIWEST-MCB CAMPEN is responsible for 2.74% of the total estuary monitoring cost based on land use.

³ County of San Diego and Riverside Co-permittee costs do not include their Santa Margarita River station monitoring costs since they will fund and execute it separately from the MOU.

4.7. Any Partner found in non-compliance by the San Diego Water Board with conditions of the IO within its jurisdictional boundaries shall be solely liable for any enforcement actions and assessed penalties.

4.8. The Draft Staff Report (table 10 and figure 14) shows that discharges from commercial agriculture are the largest sources of dry-weather nutrient loads to the SMRE. The partners understand that commercial agricultural operations are regulated by the San Diego Water Board through Order No. R9-2016-0004 and Order No. R9-2016-0005. Addressing eutrophic conditions is a problem requiring a collaborative approach that includes management of all activities in the shared space of the SMRE watershed that potentially contribute excess nutrients to include commercial agriculture operations. Exchanging and integrating information will benefit all parties with the common goal of protecting beneficial uses in the SMRE watershed.

5. PERSONNEL:

5.1. RESPONSIBILITIES: All partners are responsible for costs of personnel including pay benefits, support, and travel. Each Partner is responsible for supervision, management and safety of its personnel.

5.2. ACCESS: Each Partner will provide and coordinate access to property and locations required to perform work, in advance to the targeted start date of work. Personnel granted access are required to follow access guidance and restrictions of the respective Partner.

6. GENERAL PROVISIONS:

6.1 POINTS OF CONTACT: The following points of contact (POC) will be used by the Partners to communicate in the implementation of this MOU. Each Partner may change its POC upon reasonable notice to the other Partners.

6.1.1. For the Commanding General, MCIWEST-MCB CAMPEN:

6.1.1.1. Primary POC: Mr. Mark Bonsavage, Engineering Branch Head, 760-725-9753.

6.1.1.2. Alternate POC: Mr. Matthew Winterbourne, Water Quality Section Head, 760-725-0141.

6.1.2. For the City of Murrieta:

6.1.2.1. Primary POC: Ms. Mai Son, Associate Engineer, 951-461-6085.

6.1.2.2. Alternate POC: Mr. Bob Moehling, Public Works Director / City Engineer, 951-461-6036.

6.1.3. For the City of Temecula:

6.1.3.1. Primary POC: Mr. Stuart Kuhn, Associate Engineer, 951-308-6387.

6.1.3.2. Alternate POC: Mr. Patrick Thomas, Director of Public Works, 951-506-5163.

6.1.4. For the City of Wildomar:

6.1.4.1. Primary POC: Mr. Dan York, Assistant City Manager, 951-677-7751 x 216.

6.1.4.2. Alternate POC: Mr. Jason Farag, Associate Engineer, 951-677-7751 x 219.

6.1.5. For the County of San Diego:

6.1.5.1. Primary POC: Ms. Jo Ann Weber, Planning Manager, 858-495-5317.

6.1.5.2. Alternate POC: Ms. Brianna Martin, Land Use Environmental Planner II, 858-495-5333.

6.1.6. For the County of Riverside:

6.1.6.1. Primary POC: Ms. Rania Odenbaugh, Principal Management -Analyst, 951-955-1110.

6.1.6.2. Alternate POC: Ms. Jan Bulinski, NPDES Coordinator, 951-955-6859.

6.1.7. For the Riverside County Flood Control and Water Conservation District:

6.1.7.1. Primary POC: Mr. Richard Boon, Chief of Watershed Protection Division, 951-955-1273.

6.1.7.2. Alternate POC: Mr. Matt Yeager, Watershed Program Manager, 951-955-0843.

6.1.7.3. Alternate POC: Ms. Rebekah Guill, Watershed Monitoring Program Manager, 951-955-2901.

6.2. CORRESPONDENCE: All correspondence to be sent and notices to be given pursuant to this MOU will be addressed, if to the Commanding Officer, to:

6.2.1. Mr. Mark Bonsavage

Environmental Engineering Branch

Environmental Security Department

MCIWEST-Marine Corps Base Camp Pendleton (Bldg. 22165)

Box 555008

Camp Pendleton, CA 92055-5008

And, if to the City of Murrieta, to:

6.2.2. Ms. Mai Son

City of Murrieta

Public Works/Engineering Department

1 Town Square

Murrieta, Ca 92562

And, if to the City of Temecula, to:

6.2.3. Mr. Stuart Kuhn
City of Temecula
Public Works Department
41000 Main Street
Temecula, Ca 92590

And, if to the City of Wildomar, to:

6.2.4. Attn: Dan York
City of Wildomar
23873 Clinton Keith Rd., Suite 201
Wildomar, Ca 92595

And, if to the County of San Diego, to:

6.2.5. Ms. Jo Ann Weber
County of San Diego
5510 Overland Avenue, Ste. 410
San Diego, Ca 92123-5263

And, if to the County of Riverside, to:

6.2.6. Ms. Rania Odenbaugh
County of Riverside Executive Office
4080 Lemon Street, 4th Floor
Riverside, Ca 92501

And, if to the Riverside County Flood Control and Water Conservation District to:

6.2.7. Mr. Richard Boon
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, Ca 92501

Or as may from time to time otherwise be directed by the Partners.

6.3. FUNDS AND MANPOWER: This MOU does not document nor provide for the exchange of funds or manpower between the Partners nor does it make any commitment of funds or resources. Separate agreements will be coordinated with NIWC-PAC.

6.4. MODIFICATION OF MOU: This MOU may only be modified by the written agreement of the Partners, duly signed by their authorized representatives.

6.5. DISPUTES: Any disputes relating to this MOU will, subject to any applicable law, Executive Order, Directive, or Instruction, be resolved by consultation between the Partners or in accordance with DODI 4000.19.

6.6. TERMINATION OF AGREEMENT: This MOU may be terminated in writing at will by any Partner.

6.7. TRANSFERABILITY: This MOU is not transferable except with the written consent of the Partners.

6.8. SCOPE OF MOU: It is expressly understood and agreed that this MOU is made preparatory and contingent on the Partners entering into separate agreement with NIWC-PAC. Accordingly, this MOU embodies the entire agreement between the partners in contemplation of this effort.

6.9. EFFECTIVE DATE: This MOU takes effect beginning on the day after the last Partner signs.

6.10. COUNTERPARTS: This MOU may be executed in counterparts, with the same force and effect as if executed in a single, complete document. For purposes of this MOU, a facsimile or Portable Document Format ("PDF") execution shall be considered as the equivalent of a wet ink signature, shall be deemed good and valid acceptance of this MOU, and shall be reasonably relied upon by all Partners.

6.11. EXPIRATION DATE: This MOU expires on June 30, 2025.

APPROVED:

For the Commanding General, MCIWEST-MCB CAMPEN –

J. S. PAULL
Director, Environmental Security
By direction of the Commanding General
MCIWEST-MCB CAMPEN

(Date)

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



ITEM: 3.3
(ID # 11895)

MEETING DATE:

Tuesday, March 10, 2020

FROM: EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approval of the Memorandum of Understanding for Conducting A Water Quality Improvement Monitoring And Assessment Program for Eutrophic Conditions in the Santa Margarita River Estuary and Watershed In Accordance With Investigative Order No. R9-2019-0007 between the Commanding General, Marine Corps Installations West - Marine Corps Base, Camp Pendleton, the Riverside County Flood Control and Water Conservation District, the County of Riverside, the County of San Diego and the Cities of Murrieta, Temecula, and Wildomar , Districts 1, 3 and 5. CEQA Exempt. [Total \$956,161- 100% District Funds] (Companion Item to MT Item No. 11685)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15306 and 15061(b)(3);
2. Approve the Memorandum of Understanding for Conducting A Water Quality Improvement Monitoring And Assessment Program for Eutrophic Conditions in the Santa Margarita River Estuary and Watershed In Accordance With Investigative Order No. R9-2019-0007 (MOU) between the Commanding General, Marine Corps Installations West - Marine Corps Base, Camp Pendleton; the Riverside County Flood Control and Water Conservation District ("District"); the County of Riverside; the County of San Diego and the Cities of Murrieta, Temecula, and Wildomar for a period of five (5) years;


Frankie Z. Ezzat, Chief Deputy County Executive Officer 2/28/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Hewitt 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: March 10, 2020
xc: EO, Flood

Kecia R. Harper
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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3. Authorize the Chairman of the Board to execute the same on behalf of the District; and
4. Authorize the General Manager-Chief Engineer, or designee, to take all necessary steps to implement the MOU including, but not limited to, (i) negotiating, approving and executing any non-substantive amendments, subject to approval by County Counsel, and (ii) signing subsequent essential and relevant documents, subject to approval by County Counsel; and
5. Direct the Clerk of the Board to return eight (8) signed MOUs to the District.

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SOURCE OF FUNDS: 25200-947580-525440 (NPDES Santa Margarita Assessment)			Budget Adjustment: No	
			For Fiscal Year: 19/20-23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Santa Margarita River Estuary ("Estuary") is located along the southern California coast in northern San Diego County on the southwestern edge of the Marine Corps Installations West - Marine Corps Base, Camp Pendleton ("Camp Pendleton"). The Estuary is one of the few remaining and largely unmodified coastal estuaries in southern California, providing 192 acres of valuable estuarine habitat including mudflats, salt pannes, salt marsh, and subtidal habitats. This unique estuarine habitat includes beneficial uses of water that provide important refuge, foraging areas, and breeding grounds suitable for several threatened and or endangered species, as well as coastal marine species. These include populations of State and federally endangered or threatened species such as the California Least Tern, Western Snowy Plover and Southern California Steelhead.

The Estuary's watershed, the Santa Margarita Watershed, drains into the Pacific Ocean and covers an area of approximately 750 square miles, encompassing portions of both the County of Riverside and the County of San Diego. Approximately 73.5 percent of the Santa Margarita Watershed land surface falls within the County of Riverside, which includes the City of Temecula, the southwest portion of unincorporated County of Riverside, and portions of the Cities of Menifee, Murrieta and Wildomar. The remaining 26.5 percent of the Santa Margarita Watershed is in the County of San Diego, where Camp Pendleton and the unincorporated communities of Fallbrook and Rainbow are located.

In 1986, the California Regional Water Quality Control Board, San Diego Region ("San Diego Water Board") placed the Estuary on the Clean Water Act Section 303 (d) List of Water Quality

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STATE OF CALIFORNIA**

Limited Segments due to eutrophic conditions, which affect the ability of the Estuary's waters to provide essential habitat for a number of rare and endangered species of fish and birds.

On May 9, 2019, the California Regional Water Quality Control Board, San Diego Region issued Investigative Order No. R9-2019-0007 to assess the condition of the Estuary and evaluate the linkage between nutrient loading trends resulting from implementation actions by MS4 owners and the restoration of the water quality and beneficial uses in the Estuary. The District, the County of Riverside, and the Cities of Murrieta, Temecula and Wildomar – the Riverside County Co-Permittees regulated by the 2015 Permit ("Riverside Co-Permittees") – together with the County of San Diego and Camp Pendleton, as owners and operators of MS4s within the Santa Margarita Watershed, are required by Investigative Order No. R9-2019-0007 to monitor the water quality condition of the Estuary for a period of four years starting in 2020 and ending after October 2023, with a final report summarizing the findings due in March 2024. The City of Menifee is not subject to Investigative Order No. R9-2019-0007 because its individual land footprint in the Santa Margarita Watershed is very small (less than one percent of the total Santa Margarita Watershed area).

The MOU documents the intentions of the Riverside Co-Permittees, Camp Pendleton, and the County of San Diego ("Partners") to collaborate and share costs associated with conducting a water quality improvement monitoring and assessment program in coordination with the Naval Information Warfare Center Pacific (NIWC-PAC), formerly the Space and Naval Warfare Systems Command (SPAWAR) Systems Center Pacific, for eutrophic conditions in the Estuary as required by Investigative Order No. R9-2019-0007.

The Partners intend for NIWC-PAC, a landmark Naval research facility in San Diego, to implement the Estuary and Groundwater Monitoring within Camp Pendleton in coordination with and/or on behalf of the Partners in compliance with requirements prescribed in Investigative Order No. R9-2019-0007, Monitoring and Assessment Work Plan, and Quality Assurance Project Plan. NIWC-PAC has specialized skills in aquatic sampling, extensive knowledge of the Estuary's biology and experience with conducting chemical and biological monitoring in the Estuary over the last decade, which makes it uniquely qualified to implement the Estuary and Groundwater Monitoring within Camp Pendleton.

Additionally, in accordance with the requirements in Investigative Order No. R9-2019-0007, the District will conduct in-stream river monitoring within its respective jurisdiction on behalf of the Riverside Co-Permittees and the County of San Diego will conduct in-stream river monitoring within its respective jurisdiction.

County Counsel has approved the MOU as to legal form. A companion item appears on the Riverside County's Board Agenda for approval this same date.

Environmental Findings

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

Pursuant to CEQA, the District has determined that the approval of the MOU is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. Section 15061(b)(3) or the "common sense exemption" applies to activities where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The MOU merely documents the intentions of the co-permittees to fulfill certain permit requirements and provide funding to do so and do not include any physical changes to the environment.

Additionally, water quality monitoring required by Investigative Order No. R9-2019-0007 is exempt from CEQA pursuant to State CEQA Guidelines Section 15306 Information Collection. The District has determined that there is no possibility that the approval of the MOU, or the proposed water quality monitoring may have a significant effect on the environment.

Impact on Residents and Businesses

The MOU will help to protect, preserve and enhance the quality of the water and the natural environment of the Santa Margarita Watershed.

Additional Fiscal Information

The approval of the MOU will help to meet the requirements of Investigative Order No. R9-2019-0007, including the Estuary and Groundwater Monitoring within Camp Pendleton.

Following are the estimated costs per fiscal year for the Estuary and Groundwater Monitoring within Camp Pendleton:

	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY23/24	TOTAL
Estuary and Groundwater Monitoring within Camp Pendleton	\$173,899	\$222,270	\$227,030	\$234,548	\$98,413	\$956,161

In addition, the District will conduct the in-stream river monitoring within its respective jurisdiction. This in-stream river monitoring is anticipated to cost \$240,000.

Sufficient funds are included in Riverside County Flood Control and Water Conservation District's Fiscal Year 2019-2020 budget, and will be included in the proposed budgets for Fiscal Years 2020-2021 through 2023-2024, as appropriate.

ATTACHMENTS:

1. Vicinity Map
2. Memorandum of Understanding


Gregory Y. Priapos, Director County Counsel 2/28/2020

For the COUNTY OF RIVERSIDE –

RECOMMENDED FOR APPROVAL:

By _____
GEORGE JOHNSON
County Executive Officer

By _____
V. MANUEL PEREZ, Chairman
Riverside County Board of Supervisors

(Date)

(Date)

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER
Clerk of the Board

By AG
AARON C. GETTIS
Supervising Deputy County Counsel

By _____
Deputy

2/19/20

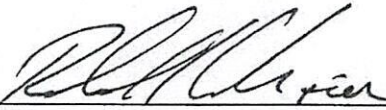
(Date)

(Date)

(SEAL)

For the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT -

RECOMMENDED FOR APPROVAL:

By 
JASON E. UHLEY
General Manager-Chief Engineer

11 Feb 2020
(Date)

By _____
KAREN SPIEGEL, Chairwoman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

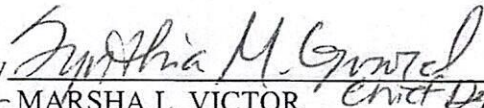
(Date)

APPROVED AS TO FORM:

GREGORY P. PRIAMOS
County Counsel

ATTEST:

KECIA HARPER
Clerk of the Board

By 
for MARSHA L. VICTOR *Chief Deputy*
Deputy County Counsel

(Date)

By _____
Deputy

(Date)

(SEAL)