

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



ITEM: 11.2  
(ID # 13394)

**MEETING DATE:**  
Tuesday, September 15, 2020

**FROM:** FLOOD CONTROL DISTRICT:

**SUBJECT:** FLOOD CONTROL DISTRICT: Receive and File the Report of the Apple Fire Emergency Actions in the Areas of Cherry Valley, Highland Springs, Banning Canyon, Mias Canyon and Banning Bench in Unincorporated Riverside County and the Cities of Beaumont and Banning, CEQA Exempt, District 5. [\$129,940 – 100% District Funds] (Clerk to File Notice of Exemption) (4/5 vote required)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Finds that the Apple Fire Emergency Actions ("Emergency Actions") are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15269(a), (b), and (c) of the State CEQA Guidelines;
2. Receive and file the report of the Emergency Actions taken without solicitation of bids, as authorized by California Public Contract Code Section 22050 and Resolution No. F94-39;
3. Authorize the use of District funds in the amount of \$129,940 for the Emergency Actions; and
4. Direct the Clerk of the Board to file the CEQA Notice of Exemption with the County Clerk within five (5) days of approval by the Board.

**ACTION:** Policy, 4/5 Vote Required

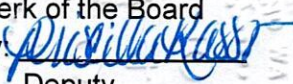
Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 9/3/2020

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, 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: September 15, 2020  
xc: Flood

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy



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<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>	\$ 129,940	\$ 0	\$ 129,940	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment: No</b>	
District Funds - 100% (See Additional Fiscal Information)			<b>For Fiscal Year: 20/21</b>	

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

**BACKGROUND:**

In the event of an emergency, California Public Contract Code Section 22050 and the District's Resolution No. F94-39, adopted by the Board of Supervisors on November 22, 1994 (Agenda Item No. 9.4), delegates to the General Manager-Chief Engineer the authority to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contracts.

The Apple Fire began on July 31, 2020 near Cherry Valley. Conditions of extreme peril to people, property and critical infrastructure necessitated the evacuation of residents in the areas of Oak Glen and Banning Bench. Pursuant to Government Code Section 8630, the Riverside County Board of Supervisors adopted Resolution No. 20120-190 on August 4, 2020 (Agenda Item No. 3.73) proclaiming the existence of a "Local Emergency" in Riverside County. Subsequently, Governor Gavin Newsom declared a statewide emergency due to wildfires burning throughout the state, including the Apple Fire, on August 18, 2020.

The Apple Fire has burned over 33,000 acres in the counties of Riverside and San Bernardino, including the steep terrain and canyons that drain toward the areas of Cherry Valley, Highland Springs, Banning Canyon, Mias Canyon and Banning Bench in Unincorporated Riverside County and the cities of Beaumont and Banning ("Post-Fire Risk Area"). The Apple Fire has burned several canyons, which can produce dangerous mud and debris flows and increase the risk of flooding in populated areas during the upcoming rainy season. The District's existing facilities in the area – including but not limited to Noble Creek, Little San Gorgonio Creek, Highland Springs Channel, Banning Levee and Cabazon Channel – provide flood protection for much of the adjacent communities during large storm events. However, due to the vast burn area in the canyons, these facilities have a high potential to receive significant levels of mud and vegetative debris from the burnt watershed during storm events. Debris flows and/or blockage of or damage to the flood control facilities could result in a critical threat to life and property in the adjacent communities in the Post-Fire Risk Area.

With localized thunderstorms (which have a probability to trigger mud and debris flows in the burn area) forecasted by the National Weather Service through early September within the Apple Fire burn area, the General Manager-Chief Engineer, in accordance with California Public Contract Code Section 22050 and the District's Resolution No. F94-39, found that the emergency will not permit a delay in the implementation of the Emergency Actions resulting from a competitive solicitation for bids.



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The District has taken the following Emergency Actions:

- Initiated procurement of monitoring equipment, including but not limited to cameras and rain gauges that are used to monitor the burn area and assist with emergency response activities;
- Procured portable concrete barriers (K-rails); and
- Initiated contact with the Riverside County Department of Waste Resources and local quarries to identify potential disposal sites for mud and debris and enter into contracts for disposal where appropriate and feasible.

Total costs associated with the current Emergency Actions are \$129,940. In this action, the District is requesting Board approval for authorization to use District funds for these necessary costs.

In addition to the Emergency Actions, the District:

- Has obtained aerial photos and LiDAR mapping of the burn area and downstream communities to support updated floodplain mapping for areas at risk utilizing its existing on-call contracts for such services;
- Has initiated proactive maintenance and enhancement of District facilities, including Noble Creek, to prepare for expected impacts from flooding, mud and debris events;
- Is currently evaluating potential emergency projects that may be needed to restore existing District facilities in the Post Fire Risk Area after flood, mud or debris events;
- Is identifying agencies that the District may need to partner with to facilitate emergency mitigation actions to protect or enhance District infrastructure;
- Is coordinating with and providing data to the United States Forest Service's Burn Area Emergency Response Team and CALFire Watershed Emergency Response Team, who are responsible for assessing the severity of the burn, identifying areas at risk and subsequently providing the rainfall frequency thresholds that would trigger mud or debris flow within the impacted canyons;
- Is coordinating with the Riverside County Emergency Management Department to provide information to guide the development of the Concept of Operations plan that will coordinate information sharing, public communication, and coordinated multi-agency preparation and response to events; and
- Is beginning coordination and sharing of information with local agencies to assist them with the preparation of their individual mitigation and response activities for the coming winter.

**Environmental Analysis**

Based on the review of the Emergency Actions, the District finds that the work is exempt pursuant to Section 15269(a), (b) and (c) of the California Environmental Quality Act ("CEQA") Guidelines. The Emergency Actions meet the conditions described in Section 15269(a) for actions to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster. Additionally, the Emergency Actions meet the conditions described in Section 15269(b) for emergency maintenance of facilities essential to public health, safety and welfare, as well as Section 15269(c) for the mitigation and prevention of an emergency situation. The Board of supervisors recognized the Apple Fire as a local emergency

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on August 4, 2020. The Governor declared a state of emergency for the wildfires burning statewide, including the Apple Fire, on August 18, 2020. No further analysis is required under CEQA.

**Prev. Agn. Ref.:** MT#13232 3.73 of 08/04/2020  
9.4 of 11/22/94

**Impact on Residents and Businesses**

The conditions in the burn areas of the fire have left the communities in the Post-Fire Risk Area vulnerable to flooding and mud flows during storm events. In the event of a storm, the Post-Fire Risk Area may be negatively impacted if these measures are not taken to protect the communities.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

A summary of the Emergency Actions and costs are listed below:

<u>Contractor/Vendor Name</u>	<u>Emergency Action Description</u>	<u>Cost</u>
1. Riverside Construction	Purchase K-rails	\$16,312.50
2. BTI Communications Group	Purchase monitoring equipment	\$68,983.70
3. Hydrolynx	Purchase monitoring equipment	\$44,643.75
<b>TOTAL</b>		<b>\$129,939.95</b>

The District budgets for flood emergencies and/or unexpected contingencies to minimize risks to life and property. Sufficient funds are available in the District's Zone 5 and Hydrology Services budgets for FY 2020-2021.



**SOURCE OF FUNDS:** (Continued)

- 48000-947240-546166 Equipment-Other – Hydrology Services
- 25150-947480-528060 Materials – Zone 5

**ATTACHMENTS:**

1. CEQA Notice of Exemption
2. Authorization to Bill

RKM:blm  
P8/233243

Jason Farin, Principal Management Analyst      9/9/2020      Gregory P. Priamos, Director County Counsel      9/4/2020



**Notice of Exemption**

**California State Clearinghouse Handbook**

Form D

To:      State Clearinghouse  
1400 Tenth Street,  
Sacramento, CA 95814

From: Riverside County Flood Control District  
1995 Market Street  
Riverside, CA 92501

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

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

9/17/20  
Date

PLP  
Initial

**Project Title:** Apple Fire Emergency Actions (Emergency Actions)

**Project Location – Specific:**

The Emergency Actions may occur in the vicinity of Noble Creek, Little San Gorgonio Creek, Highland Springs Channel, the San Gorgonio River Banning Levee and Cabazon Channel, at existing District flood control facilities or other areas within these watersheds as determined necessary by the Riverside County Flood Control and Water Conservation District (District).

**Project Location – City/Community:** Cherry Valley, Beaumont, Banning and Cabazon

**Project Location – County:** Riverside

The Emergency Actions address existing District facilities and watersheds in the areas affected by the Apple Fire in the communities of Cherry Valley, Beaumont, Banning and Cabazon within Riverside County. District facilities and watersheds include but are not limited to, Noble Creek, Little San Gorgonio Creek, Highland Springs Channel, the San Gorgonio River, and the Cabazon Channel. Noble Creek and Little San Gorgonio Creek begin in the unincorporated area of Cherry Valley. Little San Gorgonio Creek merges with Noble Creek and proceeds southwest into the City of Beaumont. The Highland Springs Channel begins in unincorporated Riverside County and proceeds south along the border between the cities of Banning and Beaumont. The San Gorgonio River Levee is within the City of Banning and the Cabazon Channel is within the unincorporated area of Cabazon. Other emergency work in the watershed areas tributary to Cherry Valley, Beaumont, Banning and Cabazon may be performed as needed.

**Project Description:**

On July 31, 2020 the Apple Fire began near Cherry Valley, resulting in conditions of extreme peril to people, property and critical infrastructure. The Riverside County Board of Supervisors proclaimed a "Local Emergency" in Riverside County at the August 4, 2020 meeting. Governor Gavin Newsom declared a statewide emergency due to wildfires burning throughout the state, including the Apple Fire, on August 18, 2020. Over 33,000 acres have been burned by the Apple Fire. The Apple Fire has burned several canyons which are tributary to populated areas. These burnt canyons create a high probability for dangerous mud and debris flows and enhanced flooding during the upcoming rainy season. Multiple communities are downstream of the burn area, and at risk of the loss of life, property, and infrastructure as a result of post-fire debris flows and flooding. In late August, local thunderstorms were forecasted by the National Weather Service over the area of the fire, necessitating immediate action to prepare for the imminent threat of flooding. There will be ongoing threat of sediment, debris and flooding throughout the storm season and the continued need for the associated Emergency Actions.

Work required to respond to the risk of flooding includes the installation of equipment and materials for monitoring, flood prevention, and emergency response, and equipment staging as necessary. Emergency maintenance and enhancement to flood control facilities within the affected communities will be performed where threat to life or property is evident.



**NOTICE OF EXEMPTION**

**Project Title:** Apple Fire Emergency Actions (Emergency Actions)

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**Name of Public Agency Approving Project:** Riverside County Flood Control and Water Conservation District

**Name of Person or Agency Carrying Out Project:** Riverside County Flood Control and Water Conservation District

**Exempt Status:** *(check one)*

- Ministerial (Sec. 21080 (b) (1); 15268);
- Declared Emergency 15269 (a);
- Emergency Project 15269 (b) (c);
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The proposed project meets the following exemption criteria set forth in the CEQA Guidelines:


- Section 15269 Emergency Projects
  - (a) Projects to maintain, repair, restore, demolish, or release property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. Governor Gavin Newsom declared a state of emergency on August 18, 2020.
  - (b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. The District will need to immediately remove accumulated debris and/or sediment to maintain essential flood control protection for downstream areas.
  - (c) Specific actions necessary to prevent or mitigate an emergency. Immediate actions include flood control maintenance and enhancement to prevent or mitigate an emergency from sediment, debris and flood flows from the burn area.

**Lead Agency:** Riverside County Flood Control and Water Conservation District

**Contact Person:** Randy Sheppeard **Area Code/Telephone/Extension:** 951.955.1306

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: 8/31/2020 Title: General Manager-Chief Engineer

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: N/A

RIVERSIDE COUNTY CLERK-RECORDER

AUTHORIZATION TO BILL

TO BE FILLED OUT BY SUBMITTING AGENCY

DATE: 8/25/2020 BUSINESS UNIT/AGENCY: FLOOD CONTROL - FCARC

ACCOUNTING STRING:

ACCOUNT: 526410 FUND: 25150

DEPT ID: 947480 PROGRAM: \_\_\_\_\_

AMOUNT: \$50.00

REF:

CEQA notice of exemption posting for Apple Fire emergency work, Project 225-5-6-00900-00-00-5012-000 (44101).

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE AN INVOICE FOR PAYMENT OF ALL DOCUMENTS INCLUDED.

NUMBER OF DOCUMENTS INCLUDED: \_\_\_\_\_

1

AUTHORIZED BY: Darrylenn Prudholme B Ext 54330 *DP 8/26/20*

PRESENTED BY: Sean Berriman Ext 51242

CONTACT: Sean Berriman Ext 51242

TO BE FILLED OUT BY COUNTY CLERK

ACCEPTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

DOCUMENT NO(S)/INVOICE NO(S): \_\_\_\_\_

\_\_\_\_\_