

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



ITEM: 11.2
(ID # 17578)

MEETING DATE:
Tuesday, November 16, 2021

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Review and Determine That Emergency Conditions Continue and There is a Need to Continue the Apple Fire and El Dorado Fire Emergency Actions, Nothing Further is Required Under CEQA, District 5. [\$0] (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required pursuant to the California Environmental Quality Act ("CEQA") for the Emergency Actions by the Riverside County Flood Control and Water Conservation District ("District") as it relates to the Apple Fire and El Dorado Fire because these actions are exempt under CEQA as detailed in the Notice of Exemption approved by the Board of Supervisors on October 6, 2020 (Agenda Item No. 11.4); and
2. Review and determine that emergency conditions continue and there is a need to continue the Apple Fire and El Dorado Fire Emergency Actions ("Emergency Actions").

ACTION: 4/5 Vote Required, Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

11/2/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez 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: November 16, 2021
xc: Flood, Fire

Kecia R. 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: N/A			Budget Adjustment: N/A	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

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), delegate 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.

This item requires a four-fifths vote of the Board of Supervisors pursuant to California Public Contracts Code § 22050(c)(1). The statute applies to contracts that are awarded without bids in the case of an emergency and requires the Board to review the emergency action every fourteen days and determine, by a 4/5th vote that there is a need to continue the action.

The Fires

- Apple Fire
 - Date of Origin: July 31, 2020
 - Location: Oak Glen/Cherry Valley
 - Size: Over 33,000 acres in the Counties of Riverside and San Bernardino.
 - 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.
 - Governor Gavin Newsom declared a statewide emergency due to wildfires burning throughout the state, including the Apple Fire on August 18, 2020.

- El Dorado Fire
 - Date of Origin: September 5, 2020
 - Location: Yucaipa Ridge area, West Oak Glen, San Bernardino Mountains
 - Size: Over 22,000 acres, within the County of San Bernardino and portions of the County of Riverside.
 - An emergency proclamation for San Bernardino County due to the El Dorado Fire was issued by Governor Gavin Newsom on September 6, 2020.

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The burn areas of the two fires include 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 fires have burned several canyons, which can produce dangerous mud and debris flows and increase the risk of flooding in populated areas during the 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 within the Apple Fire and El Dorado Fire burn areas, 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. As the burn areas of the two fires overlap at the eastern perimeter of the El Dorado Fire and the western perimeter of the Apple Fire and affect some of the same watersheds, the District has grouped the two fires into the same response.

On September 15, 2020 (Agenda Item No. 11.2); October 6, 2020 (Agenda Item No. 11.4); October 20, 2020 (Agenda Item No. 11.10); November 3, 2020 (Agenda Item No. 11.4); November 17, 2020 (Agenda Item No. 11.4); December 8, 2020 (Agenda Item No. 11.5); December 15, 2020 (Agenda Item No. 11.9); January 12, 2021 (Agenda Item No. 11.2); January 26, 2021 (Agenda Item No. 11.4); February 9, 2021 (Agenda Item No. 11.3); March 2, 2021 (Agenda Item No. 11.6); March 23, 2021 (Agenda Item No. 11.5); April 13, 2021 (Agenda Item No. 11.4); April 27, 2021 (Agenda Item No. 11.3); May 11, 2021 (Agenda Item No. 11.3); May 25, 2021 (Agenda Item No. 11.4); June 8, 2021 (Agenda Item No. 11.11); June 22, 2021 (Agenda Item No. 11.1); July 20, 2021 (Agenda Item No. 11.1); August 17, 2021 (Agenda Item No. 11.8); September 14, 2021 (Agenda Item No. 11.4); September 28, 2021 (Agenda Item No. 11.1); and October 19, 2021 (Agenda Item No. 11.1); and November 02, 2021 (Agenda Item No. 11.2); the Board of Supervisors made motions to (i) review and determine that emergency conditions continue and there is a need to continue the Emergency Actions, (ii) receive and file the Emergency Actions, (iii) receive and file the Emergency Protection Agreements and associated Amendments and (iv) authorize the use of District funds for the Emergency Actions. It is requested that the Board of Supervisors review and determine that emergency conditions continue and there is a need to continue the Emergency Actions.

In addition to the Emergency Actions, the District:

- Has initiated proactive maintenance and enhancement of District facilities, including Noble Creek, to prepare for expected impacts from flooding, mud and debris events; and