

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



ITEM: 11.1
(ID # 21276)

MEETING DATE:
Tuesday, March 14, 2023

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

3/2/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, and Gutierrez
Nays: None
Absent: Perez
Date: March 14, 2023
xc: Flood

Kimberly A. Rector
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 4/5th 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); November 02, 2021 (Agenda Item No. 11.2); November 16, 2021 (Agenda Item No. 11.2); December 7, 2021 (Agenda Item No. 11.7); January 11, 2022 (Agenda Item No. 11.5); January 25, 2022 (Agenda Item No. 11.4); February 8, 2022 (Agenda Item No. 11.1); March 8, 2022 (Agenda Item No. 11.4); March 22, 2022 (Agenda Item No. 11.4); March 29, 2022 (Agenda Item No. 11.2); April 12, 2022 (Agenda Item No. 11.1); April 26, 2022 (Agenda Item No. 11.5); May 10, 2022 (Agenda Item No. 11.3); May 24, 2022 (Agenda Item No. 11.1); June 7, 2022 (Agenda Item No. 11.3); June 21, 2022 (Agenda Item No. 11.1); July 12, 2022 (Agenda Item No. 11.7); July 26, 2022 (Agenda Item No. 11.3); August 2, 2022 (Agenda Item No. 11.3); August 30, 2022 (Agenda Item No. 11.7); September 13, 2022 (Agenda Item No. 11.8); October 4, 2022 (Agenda Item No. 11.3); October 18, 2022 (Agenda Item No. 11.6); November 1, 2022 (Agenda Item No. 11.1); November 8, 2022 (Agenda Item

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No. 11.3); November 29, 2022 (Agenda Item No. 11.3); December 13, 2022 (Agenda Item No. 11.3); January 10, 2023 (Agenda Item No. 11.1); January 24, 2023 (Agenda Item No. 11.3); February 7, 2023 (Agenda Item No. 11.1) and February 28, 2023 (Agenda Item No. 11.1), 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
- Is continuing to evaluate potential emergency projects that may be needed to restore existing District facilities in the Post Fire Risk Area after flood, mud or debris events; and
- Is identifying agencies that the District may need to partner with to facilitate emergency mitigation actions to protect or enhance District infrastructure; and
- Is continuing to coordinate with and provide 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; and
- Is continuing to coordinate 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 sharing information with local agencies to assist them with the preparation of their community outreach and individual mitigation and response activities for the coming winter.

Prev. Agn. Ref.: 9.4 of 11/22/94

MT#13394 11.2 of 09/15/2020
MT#13542 11.4 of 10/06/2020
MT#13635 11.10 of 10/20/2020
MT#13697 11.4 of 11/03/2020
MT#13827 11.4 of 11/17/2020
MT#13982 11.5 of 12/08/2020
MT#14031 11.9 of 12/15/2020
MT#14042 11.2 of 01/12/2021
MT#14282 11.4 of 01/26/2021
MT#14423 11.3 of 02/09/2021
MT#14517 11.6 of 03/02/2021

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MT#14605 11.5 of 03/23/2021
MT#14851 11.4 of 04/13/2021
MT#14974 11.3 of 04/27/2021
MT#15092 11.3 of 05/11/2021
MT#15200 11.4 of 05/25/2021
MT#15354 11.11 of 06/08/2021
MT#15355 11.1 of 06/22/2021
MT#16718 11.1 of 07/20/2021
MT#16921 11.8 of 08/17/2021
MT#17082 11.4 of 09/14/2021
MT#17186 11.1 of 09/28/2021
MT#17341 11.1 of 10/19/2021
MT#17451 11.2 of 11/02/2021
MT#17578 11.2 of 11/16/2021
MT#17711 11.7 of 12/07/2021
MT#18047 11.5 of 01/11/2022
MT#18107 11.4 of 01/25/2022
MT#18120 11.1 of 02/08/2022
MT#18496 11.4 of 03/08/2022
MT#18564 11.4 of 03/22/2022
MT#18487 11.2 of 03/29/2022
MT#18674 11.1 of 04/12/2022
MT#18787 11.5 of 04/26/2022
MT#18893 11.3 of 05/10/2022
MT#18998 11.1 of 05/24/2022
MT#19135 11.3 of 06/07/2022
MT#19255 11.1 of 06/21/2022
MT#19418 11.7 of 07/12/2022
MT#19522 11.3 of 07/26/2022
MT#19589 11.3 of 08/02/2022
MT#19694 11.7 of 08/30/2022
MT#19947 11.8 of 09/13/2022
MT#20095 11.3 of 10/04/2022
MT#20134 11.6 of 10/18/2022
MT#20191 11.1 of 11/01/2022
MT#20257 11.3 of 11/08/2022
MT#20457 11.3 of 11/29/2022
MT#20567 11.3 of 12/13/2022
MT#20801 11.1 of 01/10/2023
MT#20901 11.3 of 01/24/2023
MT#21001 11.1 of 02/07/2023
MT#21122 11.1 of 02/28/2023

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Environmental Analysis

Nothing further is required because the Emergency Actions are exempt under CEQA as detailed in the Notice of Exemption ("NOE") approved by the Board of Supervisors on October 6, 2020 (Agenda Item No. 11.4). The Board of Supervisors recognized the Apple Fire as a local emergency on August 4, 2020. The Governor declared a state of emergency for the wildfires burning statewide, including the Apple Fire, on August 18, 2020, and the El Dorado Fire on September 6, 2020. Therefore, no further analysis is required under CEQA.

Impact on Residents and Businesses

The conditions in the burn areas of the fires 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.

RMG:ju
P8/249473



Jason Farin, Principal Management Analyst 3/6/2023



Ronak Patel, Deputy County Counsel 3/6/2023