

RESOLUTION NO. 2020-6-4

RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CALIFORNIA WATER DISTRICT, RIVERSIDE COUNTY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE UPPER VALLE DE LOS CABALLOS REGIONAL PUMP STATION (PROJECT NOS. D1903) AND APPROVING THE PROJECT

WHEREAS, the Rancho California Water District ("District") is organized and operates pursuant to the California Water District Law, Division 13 commencing with Section 34000 of the California Water Code; and

WHEREAS, the District intends to construct a new pump station, chlorine contact tank, disinfection facilities, two groundwater wells, and associated improvements (the Project). The project is located in an unincorporated area of southwest Riverside County, east of the City of Temecula. Lands affected by the proposed improvements generally include portions of De Portola Road and Conquistador Place, with the majority of improvements occurring on lands to the south of De Portola Road, east of Pauba Road, and along/east of Conquistador Place. The affected County Assessor's Parcel Numbers include 927-150-038, -018, -037, -039, -048, and -049; and 927-320-045.

WHEREAS, the District has determined that approval of the Project is subject to the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and the State CEQA Guidelines, California Code Regulations, Title 14, Section 15000 *et seq.*, and as the lead agency has prepared an initial study to analyze all potential impacts of the Project; and

WHEREAS, on the basis of the Initial Study, which indicated that all potential environmental impacts of the Project could be mitigated to a level of insignificance, the District determined that a Mitigated Negative Declaration ("MND") should be prepared; and

WHEREAS, an MND was prepared pursuant to CEQA, the State CEQA Guidelines, and the District's Local CEQA Guidelines; and

WHEREAS, the District made the Draft Initial Study/MND available to the public and all interested, responsible, and trustee agencies for review and comment on April 15, 2020 for a period of at least thirty (30) days; and

WHEREAS, the District received, considered, and prepared responses to comments received from the public, as well as any responsible, trustee, and interested agencies, on the Draft Initial Study/MND; and

WHEREAS, the District held a public meeting on June 11, 2020 to receive additional public testimony on the Initial Study/MND and the Project; and

WHEREAS, no new significant environmental effects have been identified and any changes to the Draft Initial Study/MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines Section 15073.5. The responses to comments, in combination with the Initial Study/MND, constitute the Final Initial Study/MND; and

WHEREAS, the District Board of Directors has carefully reviewed the Final Initial Study/MND and all other relevant information contained in the administrative record for the Project; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Rancho California Water District as follows:

Section 1. As the decision-making body for the District, the Board of Directors has reviewed and considered the Final Initial Study/MND and administrative record for the Project, including all oral and written comments received during the comment period.

Section 2. The Final Initial Study/MND prepared for the Project and the administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the District's Local CEQA Guidelines.

Section 3. The Board finds that the Final Initial Study/MND contains a complete, objective and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Board.

Section 4. Based on the Final Initial Study/MND and the administrative record, including all written and oral evidence presented to the Board, the Board finds that all environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Final Initial Study/MND and the Mitigation Monitoring and Reporting Program. Pursuant to Public Resources Code Section 21081.6, the Board approves and adopts the Mitigation Monitoring and Reporting Program prepared for the Project and attached to this Resolution as Exhibit "A."

Section 5. The Board finds that there is no substantial evidence in light of the whole administrative record supporting a fair argument that the Project may result in significant environmental impacts.

Section 6. The Board approves and adopts the MND prepared for the Project pursuant to Public Resources Code Section 21080, subdivision(c)(2) and approves the Project.

Section 7. The Board hereby directs that all documents and other materials constituting the record of proceedings for project approval be maintained by the General Manager, as custodian of the record of the proceedings, or his designee to be held at 42135 Winchester Road, Temecula, California.

Section 8. The Board hereby directs staff to file a Notice of Determination with the County Clerk of Riverside County within five (5) working days of approval of the Project.

ADOPTED, SIGNED, AND APPROVED this 11th day of June 2020.

DocuSigned by:
William J. Wilson
BC1CEC3AAAB542F

William J. Wilson, President of the
Board of Directors of the
Rancho California Water District

ATTEST:

DocuSigned by:
Kelli Garcia
59393780164B44E

Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of the Rancho California Water District, do hereby certify that the foregoing Resolution No. 2020-6-4 was duly adopted by the Board of Directors of said District at a regular meeting thereof held on the 11th day of June 2020, and that it was so adopted by the following vote:

AYES:	DIRECTORS:	Brady, Garcia, Herman, Martin, Plummer, Rossi, and Wilson
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None

DocuSigned by:

 593937B0164B44E

Kelli E. Garcia, Secretary of the
 Board of Directors of the
 Rancho California Water District



STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of the Rancho California Water District, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 2020-6-4 of said Board, and that the same has not been amended or repealed.

DATED: June 11, 2020

DocuSigned by:
Kelli Garcia
583937B0164B44E

Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District



MITIGATION MONITORING AND REPORTING PROGRAM

*Rancho California Water District
Upper Valle De Los Caballos Regional Pump Station Project
[Project No. D1903]*

SCH. No. 2020049017

June 2020

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MITIGATION MONITORING AND REPORTING PROGRAM

*Rancho California Water District
Upper Valle De Los Caballos Regional Pump Station Project
[Project No. D190]3*

SCH. No. 2020049017

June 2020

Lead Agency:

Rancho California Water District
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1. INTRODUCTION

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Upper Valle de los Caballos Regional Pump Station Project (Project No. D1903) proposed by the Rancho California Water District (RCWD). An MMRP is required because the Mitigated Negative Declaration (MND) prepared for the project identified potential significant adverse environmental impacts, and measures have therefore been identified to mitigate those impacts. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

2. MITIGATION MONITORING AND REPORTING PROGRAM

As the lead agency, the Rancho California Water District will be responsible for monitoring compliance with all mitigation measures. Different entities may be responsible for various aspects of the project. The MMRP identifies the party with the responsibility for ensuring that each individual mitigation measure is completed.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Potential Significant Impact:** The significance threshold is restated to describe the potentially significant impact.
- **Mitigation Measure:** The mitigation measures to be adopted (as identified in the EIR) are restated.
- **Timeframe of Mitigation:** Identifies at which stage of the project the mitigation measure shall be completed.
- **Monitoring, Enforcement, and Reporting Responsibility:** Identifies the department within the City with responsibility for mitigation monitoring.

Resolution 2020-6-4, Exhibit A

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**Mitigation Monitoring and Reporting
Program Resolution No. 2020-6-4 – Exhibit A**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p>IV. Biological Resources</p> <p>Impact IV.a): The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</p>	<p>BIO-1: A pre-construction clearance survey shall be conducted to confirm the absence of burrowing owl (<i>Athene cucularia</i>) and ensure that project-related activities do not result in impacts to any occupied burrows that may be located within or adjacent to the project site. The pre-construction burrowing owl clearance survey shall be conducted by a qualified District-approved biologist no more than 30 days prior to any ground disturbance or vegetation removal activities in accordance with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, 2012). Upon completion of the survey and any follow-up measures that may be required, a report shall be prepared and submitted to the RCWD for mitigation monitoring compliance record keeping. If ground disturbing activities are not completed within 30 days of a negative survey, the clearance survey shall be repeated to confirm the absence of burrowing owls.</p> <p>BIO-2 If grading or construction activities are scheduled to occur during the nesting season for breeding birds (typically January 15th through September 30th), a pre-disturbance nesting bird survey shall be conducted by a qualified District-approved biologist no more than 3 days prior to any ground disturbing activities, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish non-disturbance buffers around them (500 feet for raptors and sensitive species; 200 feet for non-raptors/non-sensitive species). The biologist shall monitor these buffers weekly to ensure no work occurs within them until the nesting effort is finished (i.e., the juveniles have successfully fledged and are surviving independent from the nest). Work can resume within the buffers when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the non-disturbance buffer areas with</p>	<p>Prior to grading or construction activities</p>	<p>Rancho California Water District</p>

Resolution 2020-6-4, Exhibit A

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p>Impact IV.d): The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.</p>	<p>implementation of a monitoring and mitigation plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up measures that may be required, a report shall be prepared and submitted to RCWD for mitigation monitoring compliance record keeping. If vegetation clearing is not completed within 3 days of a negative survey, the nesting survey shall be repeated to confirm the absence of nesting birds.</p>	<p>Prior to grading or construction activities</p>	<p>Rancho California Water District</p>
<p>V. Cultural Resources</p>			
<p>Impact V.b): The proposed project could cause substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5.</p>	<p>Implement Mitigation Measures BIO-1 and BIO-2.</p>	<p>Prior to and during all excavation, grading, or construction activities</p>	<p>Rancho California Water District</p>
	<p>CR-1 To address the possibility that historical, archaeological, and/or tribal cultural resources (collectively referred to as "cultural resources" in these mitigation measures) may be encountered during grading or construction, a qualified professional District-approved archaeologist shall monitor all construction activities that could potentially impact cultural resources (e.g., grading, excavation, and/or trenching). The Pechanga and Rincon Bands of Luiseno Indians may assign individuals to monitor all grading, excavation and groundbreaking activities as well, and the Tribal monitors shall be allowed on site during any construction activities that could potentially impact cultural resources. However, monitoring may be discontinued as soon the qualified professional and the appropriate Tribe(s) are satisfied that construction will not disturb cultural resources.</p> <p>CR-2 At least 30 days prior to the issuance of any grading permit, the District shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with each Tribe. The agreements shall include, but not be limited to, outlining provisions and requirements for addressing the handling of</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>tribal cultural resources; project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains, discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures.</p> <p>CR-3 If during grading or construction activities, cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by the archaeologist and the Tribal monitor(s). Any cultural resources that are discovered shall be evaluated and a report prepared by the archaeologist. The report shall include: a list of the resources discovered; documentation of each site/locality; interpretation of the resources identified; a determination of whether the resources are historical resources, unique or non-unique archeological resources and/or tribal cultural resources; and the method of preservation and/or recovery for the identified resources.</p> <p>If the archaeologist, in consultation with the Tribes, determines the cultural resources to be either historic resources or unique archeological resources, avoidance and/or mitigation will be required pursuant to and consistent with CEQA Guidelines Section 15064.5(c) and Public Resources Code §21083.2. Further ground disturbance shall not resume within the area of the discovery until the District, project archaeologist, and consulting tribe(s) reach an agreement regarding the appropriate treatment of the cultural resources, which may include avoidance or appropriate mitigation. Pursuant to Calif. Pub. Res. Code §21083.2(b) avoidance is the preferred method of preservation for archeological and cultural resources. Work may continue outside of the buffer area and will be monitored by additional Tribal monitors, if needed as determined by the project archaeologist and the consulting tribe(s).</p>		

Resolution 2020-6-4, Exhibit A

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>CR-4 In the event that cultural resources are discovered during the course of grading (inadvertent discoveries), the following shall be carried out for final disposition of the discoveries:</p> <p>a) The District shall relinquish ownership of all recovered Tribal Cultural Resources to the Consulting Tribe(s), including sacred items and all artifacts as part of the required treatment for impacts to cultural resources.</p> <p>b) One or more of the following treatments, in order of preference below, with (i) being the preferred treatment and (ii) being the secondary preferred treatment, shall be employed with the agreement of all Parties.</p> <ol style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources; leaving them in place they were found with no development affecting the integrity of the resources. ii. On-site relocation to a preservation area shall be accomplished as requested by the Consulting Tribe(s). The preservation area location shall be governed by measures and provisions to protect the preservation area from any future impacts in perpetuity. Relocation shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of the Consulting Tribe(s). iii. Only if i. and ii. above cannot be employed, curation shall be arranged with an appropriate qualified repository that meets federal standards per 36 CFR Part 79. The cultural resources would be professionally curated and made available to other archeologists/researchers/Tribal governments for further research and culturally appropriate use. The collections and associated records shall be transferred to a curation facility meeting the above federal standards to be accompanied by a curation agreement, and payment of any fees necessary for permanent curation. 		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p>Impact V.c): The proposed project could disturb human remains, including those interred outside of dedicated cemeteries.</p>	<p>CR-5 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within twenty-four (24) hours. Subsequently, the Native American Heritage Commission shall identify the Most Likely Descendant and notify them of discovery. The Most Likely Descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.</p>		<p>Rancho California Water District</p>
VII. Geology and Soils			
<p>Impact VII.f): The project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>	<p>GEO-1 Construction personnel involved in excavation and grading activities shall be informed of the possibility of discovering fossils at any location and the protocol to be followed if fossils are found. A professional meeting the Society of Vertebrate Paleontology standards shall provide preconstruction training. The District shall ensure the project grading plan notes include specific reference to the potential discovery of fossils. If potentially unique paleontological resources (fossils) are inadvertently discovered during project construction, work shall be halted immediately within 50 feet of the discovery, the District shall be notified, and a professional paleontologist shall be retained to determine the significance of the discovery. The paleontologist shall establish procedures for paleontological resource surveillance throughout project</p>	<p>Prior to and during all excavation and grading activities</p>	<p>Rancho California Water District</p>

Resolution 2020-6-4, Exhibit A

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>construction and shall establish, in cooperation with the city as the project applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. Excavated finds shall be offered to a state-designated repository such as the Museum of Paleontology at the University of California, Berkeley, or the California Academy of Sciences in accordance with applicable regulations.</p>		
XVII. Transportation			
<p>Impact XVII.a): The proposed project could potentially conflict with a program plan, ordinance, or policy addressing the circulation system, including transit roadway, bicycle and pedestrian facilities.</p>	<p>TR-1 Temporary transportation impacts to local roadways resulting from project construction shall be reduced through preparation of a Traffic Management Plan (TMP) to be approved by the County of Riverside Department of Public Works prior to any trenching in public roadway rights-of-way. The TMP shall consist of prior notices, adequate sign posting, detours (if needed), phased construction, and/or temporary driveways where necessary. The TMP shall specify implementation timing of each plan element (prior notices, sign posting, detours, etc.). Adequate access to and from adjacent residential areas shall be provided at all times. Proper detours and warning signs shall be established to ensure public safety. The TMP shall also be devised so that construction does not adversely interfere with or temporarily obstruct at any time emergency access or the implementation of relevant emergency response or evacuation plans.</p>	<p>Prior to and during all construction activities</p>	<p>Rancho California Water District</p>
<p>Impact XVII.d): The proposed project could result in inadequate emergency access.</p>	<p>Implement Mitigation Measure TR-1.</p>	<p>Prior to and during all construction activities</p>	<p>Rancho California Water District</p>
XVIII. Tribal Cultural Resources			
<p>Impact XVIII.a)l) and i): The proposed project would have the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is</p>	<p>Implement Mitigation Measures CR-1 to CR-5.</p>	<p>Prior to and during all excavation, grading or construction activities</p>	<p>Rancho California Water District</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p>geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <ul style="list-style-type: none"> i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or, ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 			

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