

June 2, 2015

TO: The Honorable Mayor and Members of the City Council
FROM: Sharon Paisley, Development Director
SUBJECT: Resolution No. 3573 Certifying the Final Environmental Impact Report (SCH# 2007071065) Prepared for the San Jacinto River Levee, Stage 4 and River Corridor Expansion Project, Adopting Environmental Findings, Adopting a Statement of Overriding Considerations, Adopting a Mitigation Monitoring and Reporting Program, and Approving the Project

RECOMMENDATION:

Staff recommends that the City Council, by motion, adopt Resolution No. 3573 Certifying the Final Environmental Impact Report Prepared for the San Jacinto River Levee, Stage 4 and River Corridor Expansion Project, Adopting Environmental Findings (Exhibit A), Adopting a Statement of Overriding Considerations, Adopting a Mitigation Monitoring and Reporting Program, and Approving the Project (Exhibit B).

BACKGROUND:

The proposed new levee is approximately 5 miles in length and the alignment is located on the south side of the existing San Jacinto River, generally parallel to the existing southern levee. At the upstream limit, the proposed levee will tie into the existing US Army Corps of Engineers levee approximately 1.7 miles upstream of the State Street Bridge and the downstream limit of the proposed levee is located approximately 1.3 miles downstream of the Sanderson Avenue Bridge. The proposed project is primarily located within City limits; however, portions at upstream and downstream limits are located in unincorporated Riverside County.

Purpose and Need

The proposed project is a City Public Works and Public Safety project consisting of the construction and subsequent maintenance of a new levee and associated improvements. The proposed project constitutes the expanded implementation of the 1975 Flood Control Master Plan for the Lower San Jacinto River Basin.

In 1945, the Riverside County Flood Control and Water Conservation District (District) was formed and assumed management responsibilities of all levees in the San Jacinto Levee District. The United States Army Corps of Engineers (USACE) conducted surveys along the river in 1946 to determine the need for flood control. As a result, a levee was constructed in 1961 by the USACE along the south side of the San Jacinto River from the mouth of Bautista Creek downstream to a point approximately 1 ¼ miles east of State Street. In 1975, the District prepared a Flood Control Master Plan (Plan) for the Lower San Jacinto River Basin. The Plan proposed construction of a new levee

along the southerly side of the San Jacinto River from State Street west to a point approximately $\frac{3}{4}$ of a mile west of Sanderson Avenue. The portion of the proposed levee between Lamb Canyon/Sanderson Avenue Bridge and State Street was part of the recommended alternative to provide flood control protection from the effects of 100-year flood events in this portion of the San Jacinto River.

The existing river and levees do not provide 100-year flood protection. Recurring breaches of the existing levees have resulted in damage to agricultural lands, flooded roads, displaced local residents, and inundated large areas adjacent to the river. The existing unlined levees downstream of State Street and Sanderson Avenue could fail resulting in inundation of farmland and dairies with floodwater. Moreover, floodwaters that come into contact with dairy wastes and agricultural lands can contaminate local surface waters, and during large storm events impact impaired water bodies as far away as Canyon Lake and Lake Elsinore.

The proposed project will provide the 100-year flood protection for approximately 1,955 acres of existing agriculture, active dairy operations, and roadways as well as 351 existing buildings. The proposed project will reduce the potential for floodwaters to come into contact with dairy wastes and agricultural lands, will reduce the potential for flooding and disruption of traffic circulation for the major transportation corridors of Ramona Expressway, State Street, and Sanderson Avenue, and will reduce flooding problems for hundreds of acres of property and allow the City to implement the *City of San Jacinto General Plan*.

Proposed Project

Construction consists of a new southern levee, a floodwall, enhancements to the existing northern levee, excavation under the State Street Bridge, removal of portions of the existing levee, and protection of the Metropolitan Water District's (MWD) underground aqueduct pipelines. The proposed project also includes operation and maintenance by the District of the new flood control structures and both the modification and continuation of current maintenance practices by the District within designated segments of the expanded riverine corridor.

CEQA Process

The Environmental Impact Report (EIR) process for this project included the Notices of Preparation (NOP), Draft EIR, and Final EIR. The City distributed a NOP on July 16, 2007, to the State Clearinghouse (SCH No. 2007071065), responsible agencies, other public agencies, and interested private organizations, and individuals. Pursuant to State CEQA Guidelines Section 15082, recipients of the NOP were requested to provide responses within 30 days after their receipt of the NOP. Copies of both the NOP and comments received by the City on the NOP are included as part of the Draft EIR (DEIR).

Due to revisions to the project, the NOP was revised and recirculated from July 14, 2010 through August 12, 2010 to the State Clearinghouse (SCH No. 2007071065), responsible agencies, other public agencies, and interested private organizations, and individuals. Pursuant to State CEQA Guidelines Section 15082, recipients of the revised NOP were requested to provide responses within 30 days after their receipt of the NOP. Copies of the revised NOP and comments received are included as part of the DEIR.

The City circulated a DEIR for the San Jacinto River Levee, Stage 4 and River Corridor Expansion from December 22, 2014 to February 4, 2015. Notices of Availability of the DEIR were circulated to the State Clearinghouse, responsible agencies, and other interested parties on December 22, 2014. General public Notice of Availability of the DEIR was also given by publication in the Press-Enterprise daily newspaper on December 19, 2014. As required by Public Resources Code Section 21092.3, a copy of the public notice was posted with the Riverside County Clerk on December 23, 2014.

As provided in the public notice and in accordance with State CEQA Guidelines Section 21091(d), the City accepted written comments through February 4, 2015. During the public review period for the Project, the City received thirteen (13) comment letters from agencies, organizations, and individuals in addition to the standard response letter from the State Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, confirming completion of the public review period. All timely comments and late comments are included as part of the Final EIR (FEIR). All comments and Responses to Comments are included in Section II of the FEIR. In accordance with the provisions of Public Resources Code Section 21092.5, the City has provided a written response to each commenting public agency no less than 10 days prior to the proposed certification date as well as the Sierra Club and the Friends of San Jacinto Valley as they requested to be notified of the hearing for the project as well as availability of the FEIR.

ENVIRONMENTAL ANALYSIS & FINDINGS:

The following environmental impacts associated with the project as found during preparation of the Initial Study or DEIR are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be lessened to the extent feasible by the identified Mitigation Measures.

Impacts found not significant and do not require mitigation:

- Aesthetics
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources

- Public Services
- Recreation
- Utilities and Service Systems
- Transportation

Impacts found potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures:

- Biological Resources
- Cultural Resources
- Geology and Soils

Even with incorporation of Mitigation Measures the following impacts cannot be fully mitigated to less than significant level and a Statement of Overriding Considerations is required:

- Agricultural Resources
- Air Quality
- Noise
- Population and Housing

The project's contribution to the cumulative impact was found to be significant for the following:

- Agricultural Resources – convert Farmland to non-agricultural uses
- Air Quality – Increase in non-attainment pollutants in the region for state and federal standards
- Greenhouse Gas – the project along with cumulative development projects will contribute greenhouse gas emissions to the atmosphere
- Population and Housing- the project has the potential to indirectly induce substantial population growth

Project Objectives

The San Jacinto River Levee Stage 4 Project will meet the following project objectives:

- To provide all weather access into and out of the San Jacinto Valley by removing Sanderson Avenue, Ramona Expressway, the Sanderson Avenue and Ramona Expressway intersection, and State Street from the San Jacinto River 100-year floodplain;
- Reduce the amount of dairy and agricultural lands affected by flooding that may limit day-to-day operations of the facilities and cause pollutants from these facilities to affect downstream receiving waters;

- Increase hydraulic capacity to protect the existing State Street and Sanderson Avenue Bridges from damage from high flows and increase the flow capacity under the existing State Street Bridge to accommodate a 100-year event;
- Provide 100-year flood protection from the San Jacinto River between the existing USACE levee (upstream) to a point west of Sanderson Avenue (downstream); and
- Provide protection of the MWD underground pipelines that cross under the San Jacinto River.

Alternatives

In addition to the CEQA mandated “No Project Alternative” (identified as Alternative 1) a single alternative alignment was selected based on the alignment in each reach that would reduce the conversion of Farmland and/or reduce construction noise impacts to nearby residents to the greatest extent. This alternative is identified as Alternative 2. Another option to achieve the objectives of providing all weather access into and out of the San Jacinto Valley, reducing the transport of dairy and agricultural land pollutants from downstream receiving waters, and providing 100-year flood protection from the San Jacinto River is to improve the existing southern levee within its current alignment such that it would provide a 100-year flood protection. This alternative is identified as Alternative 3. Staff recommends that these alternatives be rejected as they do not achieve project objectives and, in the case of Alternatives 2 and 3, that they would fail to avoid or substantially reduce the significant and unavoidable impacts of the Project.

STATEMENT OF OVERRIDING CONSIDERATIONS:

CEQA requires that a lead agency may not approve a project that would result in significant and unavoidable impacts to the environment, unless a “statement of overriding considerations” is first adopted. A statement of overriding considerations documents that a lead agency has considered the significant and unavoidable impacts of a project and weighed them against a project’s benefits, and found that the project benefits outweigh the significant impacts and thereby justify approval of that project, notwithstanding those impacts. The following benefits of the proposed Project have been identified by staff:

- The proposed Project will widen the river corridor for the majority of the length of Existing Constrained Linkage C within the Project boundary, resulting in approximately 296 acres of expanded riverine corridor and an additional approximate 78 acres of proposed riparian corridor for a combined approximate 374 acres of additional corridor. This will lower the perimeter to area (P/A) ratio by increasing the inner acreage. As such, the Project will help to support the MSHCP goals for Existing Constrained Linkage C.
- The proposed Project will substantially widen the riverine corridor within Existing Constrained Linkage C (and the downstream end of Proposed Core 5), which will

increase the corridor function for the San Jacinto River for Los Angeles Pocket Mouse (LAPM) and other species.

- The proposed Project will acquire/expand existing LAPM habitat with Long-Term Conservation Value within the Project area by approximately 239.9 acres, and implement an adaptive management program of riverine maintenance to minimize impacts to LAPM habitat for a total of 307.94 acres.
- The proposed Project will provide all weather access into and out of the San Jacinto Valley by removing Sanderson Avenue and Ramona Expressway, the Sanderson Avenue and Ramona Expressway intersection, and State Street from the San Jacinto River 100-year floodplain.
- The proposed Project will improve downstream water quality by reducing the amount of dairy and agricultural lands affected by flooding; thus preventing pollutants from day-to-day operations of these uses to enter downstream receiving waters.
- The proposed Project's increased hydraulic capacity will protect the existing State Street and Sanderson Avenue Bridges from damage from high flows and increase the flow capacity under the existing State Street Bridge to accommodate a 100-year event.
- The proposed Project will provide 100-year flood protection from the San Jacinto River between the existing USACE levee (upstream) to a point west of Sanderson Avenue (downstream).
- The proposed Project will protect the MWD underground pipelines that cross under the San Jacinto River.

Based on these project benefits, staff recommends that the City Council adopt the Statement of Overriding Considerations in the attached Resolution, and approve the Project.

ATTACHMENTS:

- Resolution Certifying the Final Environmental Impact Report Prepared for the San Jacinto River Levee, Stage 4 and River Corridor Expansion Project, Adopting Environmental Findings, Adopting a Statement of Overriding Considerations, Adopting a Mitigation Monitoring and Reporting Program , and Approving the Project, including Exhibit A (CEQA Findings of Fact) and Exhibit B (Mitigation Monitoring and Reporting Project) to the Resolution.

ATTACHMENTS UNDER SEPARATE COVER:

- Environmental Impact Report