

RESOLUTION NO. 2023-4-1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CALIFORNIA WATER DISTRICT, RIVERSIDE COUNTY, CALIFORNIA, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE VAIL DAM SEISMIC AND HYDROLOGIC REMEDIATION PROJECT [PROJECT NO. D1911] FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2020069048), ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, 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, Vail Dam and Vail Lake are located in unincorporated southwestern Riverside County, east of the city of Temecula, in Southern California; and

WHEREAS, the District proposes the Vail Dam Seismic and Hydrologic Remediation Project (Project) in order to remediate seismic and hydrologic hazards associated with the existing Vail Dam. The Project includes construction of a straight-axis concrete gravity dam structure immediately downstream of the existing arch dam and partial demolition of the existing dam. In addition, the Project includes improvements to support construction and operation of the new dam, including improvements to on-site access roads, provision for construction staging and material disposal areas, and electrical utility relocations; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the District is the lead agency for the proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15063, the District evaluated the Project by preparing an Initial Study, to evaluate whether an Environmental Impact Report (EIR) was required; and

WHEREAS, based on the Initial Study, the District determined that an EIR should be prepared because the Project may have a significant effect on the environment in the following areas: Air Quality; Biological Resources; Cultural Resources; Energy; Geology/Soils; Greenhouse Gas Emissions; Hazards & Hazardous Materials; Hydrology/Water Quality; Land Use/Planning; Noise; Public Services Recreation; Transportation; Tribal Cultural Resources; Utilities/Service Systems; Wildfire and Mandatory Findings of Significance; and

WHEREAS, based on the Initial Study, the District further determined that impacts to Aesthetics; Agriculture and Forestry; Air Quality (odors); Geology and Soils (soils capability to support the use of septic tanks or other alternative wastewater disposal systems); Hazards and Hazardous Materials (hazardous materials within one-quarter mile of an existing or proposed school, and airport land use plan); Hydrology and Water Quality (flood hazard, tsunami, or seiche zones); Land Use and Planning (division of an established community); Mineral Resources; Noise (airport land use plan); Population and Housing; Public Services (fire protection, police protection, and schools); Transportation (geometric design, emergency access); Utilities and Service Systems (sufficient water supplies, wastewater treatment provider capacity); Wildfire (emergency response plan or emergency evacuation plan) would result in less than significant impacts and thus need not be analyzed further in the EIR; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on June 29, 2020, the District sent to the Office of Planning and Research and each responsible and trustee agency a Notice of Preparation (NOP) stating that an Environmental Impact Report (State Clearinghouse Number #2020069048 would be prepared; and

WHEREAS, two (2) comment letters were received in response to the NOP; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the District held a duly noticed Scoping Meeting on July 15, 2020, to solicit comments on the scope of the environmental review of the proposed Project; and

WHEREAS, a Draft Environmental Impact Report (Draft EIR) was prepared, incorporating comments received in response to the NOP; and

WHEREAS, the Draft EIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following resource areas: Air Quality (Cumulatively Considerable Pollutant Emissions); Biological Resources; Cultural Resources (Archaeological Resources); Geology and Soil (Paleontological Resources); Hazards and Hazardous Materials; and Tribal Cultural Resources; and

WHEREAS, the Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to nighttime construction noise; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on December 15, 2022; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the District provided a Notice of Availability of the Draft EIR to the public on December 19, 2022; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at the District office, 42135 Winchester Road, Temecula, CA 92590, and on the District's website; and

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the Draft EIR was circulated for at least a 45-day public review and comment period from December 19, 2022, to February 3, 2023; and

WHEREAS, during the public review and comment period, the District consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines section 15086; and

WHEREAS, the District received a total of one (1) written comment letter on the Draft EIR from a nearby Native American tribe; and

WHEREAS, the District thereafter completed the Final EIR (Final EIR), which consists of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR and errata to the Draft EIR and technical appendices; and

WHEREAS, the "EIR" consists of the Final EIR and its attachments and appendices, as well as the Draft EIR and its attachments and appendices (as modified by the Final EIR); and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the EIR; and

WHEREAS, as contained herein, the District has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all of the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the District in connection with the preparation of the EIR) which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes the Project's potentially significant environmental impacts, and, although no significant and unavoidable impacts were identified, the EIR analyzes a range of feasible alternatives capable of reducing these effects to an even lesser level of significance; and

WHEREAS, the District has made certain findings of fact, as set forth in Exhibit A to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference; and

WHEREAS, the District finds that environmental impacts that are identified in the EIR as less than significant and do not require mitigation are described in Section II of Exhibit A; and

WHEREAS, the District finds that environmental impacts that are identified in the EIR that are less than significant with incorporation of mitigation measures are described in Section III of Exhibit A; and

WHEREAS, the District finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are described in Section IV of Exhibit A; and

WHEREAS, the cumulative impacts of the Project identified in the EIR and set forth herein, are described in Section V of Exhibit A; and

WHEREAS, the potential significant irreversible environmental changes that would result from the proposed Project identified in the EIR and set forth herein, are described in Section VI of Exhibit A; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR and set forth herein, are described in Section VII of Exhibit A; and

WHEREAS, alternatives to the proposed Project that might further reduce the already less than significant environmental impacts are described in Section VIII of Exhibit A; and

WHEREAS, a statement of overriding considerations is set forth in Section IX of Exhibit A; and

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Project to a level of less than significant are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in Exhibit B to this Resolution, attached hereto and incorporated herein; and

WHEREAS, prior to taking action, the District has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the EIR) and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the District and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the District and no additional information submitted to the District have produced substantial new information requiring recirculation of the EIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on Thursday, April 13, 2023, the District conducted a duly noticed public meeting on this Resolution, at which time all persons wishing to testify were heard, and the Project was fully considered; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE RANCHO CALIFORNIA WATER DISTRICT, RIVERSIDE COUNTY:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The District hereby finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines. The District finds that the EIR reflects the independent judgment and analysis of the District. The District declares that no evidence of new significant impacts or any new information of “substantial importance,” as defined by State CEQA Guidelines section 15088.5, has been received by the District after circulation of the Draft EIR that would require recirculation. Therefore, the District hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 3. The District hereby adopts the “CEQA Findings of Fact,” inclusive of the Statement of Overriding Considerations, which were prepared in accordance with State CEQA Guidelines sections 15091 and which are attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 4. Pursuant to Public Resources Code section 21081.6, the District hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B and incorporated herein by this reference. Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in the EIR or the Findings of Fact and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION 5. Based upon the entire record before it, including the EIR Findings of Fact, Mitigation Monitoring and Reporting Program, State of Overriding Considerations, and all written and oral evidence presented, the Board of Directors hereby approves the proposed Project.

SECTION 6. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the District office, 42135 Winchester Road, Temecula, CA 92590. The custodian for these records is Jake Wiley, P.E., Assistant General Manager-Engineering & Operations. This information is provided pursuant to Public Resources Code section 21081.6.

SECTION 7. District staff shall cause a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of the adoption of this Resolution.

APPROVED AND ADOPTED this 13th day of April 2023.



John V. Rossi, President of the
Board of Directors of the
Rancho California Water District

ATTEST:



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. 2023-4-1 was adopted by the Board of Directors of said District at a regular meeting thereof held on the 13th day of April 2023, and that it was so adopted by the following vote:

AYES:	DIRECTORS:	Brady, Gonzales-Brady, Harkey, Hoagland, Plummer, Rossi, and Wilson
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None

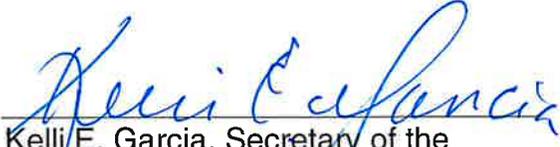

Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

(SEAL)

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. 2023-4-1 of said Board, and that the same has not been amended or repealed.

DATED: April 13, 2023


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

(SEAL)