EXHIBIT A
CEQA FINDINGS OF FACT

The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) requires that public agencies shall not approve or carry out a project for which an environmental impact report (EIR) has been certified that identifies one or more significant adverse environmental effects of a project unless the public agency makes one or more written Findings for each of those significant effects, accompanied by a brief explanation of the rationale for each Finding (State CEQA Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq.], § 15091). This document presents the CEQA Findings of Fact made by the District, in its capacity as the CEQA lead agency, regarding the Vail Dam Seismic and Hydrologic Remediation Project (Project), evaluated in the Draft Environmental Impact Report (Draft EIR) and Final Environmental Impact Report (Final EIR) for the Project.

SECTION I.
INTRODUCTION

Public Resources Code section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Pursuant to section 21081 of the Public Resources Code, a public agency may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the agency makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

As indicated above, section 21002 requires an agency to "avoid or substantially lessen" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy section 21002's mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 ["CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 ["[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance if such would render the project unfeasible"].)

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (Pub. Resources Code, § 21002.1(c) [if "economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency"]; see also State CEQA Guidelines, § 15126.6(a) [an "EIR is not required to consider alternatives which are infeasible"].) CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1.) The State CEQA Guidelines add "legal" considerations as another indicia of feasibility. (State CEQA Guidelines, § 15364.) Project objectives also inform the determination of "feasibility." (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) "Broader considerations of policy thus come into play when the decision making body is considering actual feasibility[.]" (*Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 ("*Native Plant*"); see also Pub. Resources Code, § 21081(a)(3) ["economic, legal, social, technological, or other considerations" may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, "[t]he wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken." (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

SECTION II.
FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The District hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures. All sections, tables, figures, and references mentioned herein refer to the Draft EIR unless otherwise specified.

A. AESTHETICS

1. Scenic Vistas

Threshold: Would the Project have a substantial adverse effect on a scenic vista?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-3.)

Explanation: The Proposed Project consists of constructing a gravity dam downstream of the existing arch dam. Public views of Vail Dam include the abutments and parapet walls and portions of the dam that are above the current water level that are visible along the edges of Vail Lake and the recreational trails surrounding Vail Lake. The Proposed Project would replace an existing dam and would not impede or obstruct existing views from Vail Lake or the surrounding recreational trails. The faces of both the existing arch dam and the proposed gravity dam would be primarily visible from the canyon below the dam, which is not accessible to the public. The area surrounding the Project site is undeveloped, and the face of the existing dam is not visible from residential or commercial areas. Therefore, the proposed gravity dam would not result in a substantial change to a scenic vista. Remediation of seismic and hydrologic hazards would allow Rancho California Water District (District) to increase the reservoir level up to the spillway elevation. Vail Lake is used for recreational purposes and is visible from public areas.

The increase in lake water levels would have the potential to inundate features along the existing lake margins; however, this would not substantially degrade the scenic quality of public views as the overall scene would remain the same: a lake surrounded primarily by open space areas, with some recreational amenities. Therefore, the Proposed Project would not result in a significant adverse impact on a scenic vista. (Appendix A of the Draft EIR, p. 3-3.)

2. Scenic Resources

Threshold: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-3.)

Explanation: The Project area is neither located within nor visible from a State Scenic Highway. The nearest highways are State Route 79 (SR-79) and Interstate 15 (I-15), which are not eligible or designated State scenic highways. The Riverside County General Plan identifies SR-79 as an Eligible County Scenic Highway; however, the Project area is not visible from SR-79, and the proposed Project would have no impacts to scenic resources along SR-79. Therefore, no significant impacts to scenic resources would occur, and no mitigation is required. This topic is not analyzed further in the EIR. (Appendix A of the Draft EIR, pp. 3-3 through 3-4.)

3. Visual Character

Threshold: In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public view of the site and its surroundings?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-4.)

Explanation: The Project is located within a non-urbanized area. As noted above, the dam would have extremely limited visibility from public areas and would not result in a substantial change to the visual character of the area. The change in lake water levels has the potential to inundate features along the existing lake margin; however, this would not substantially degrade the character or quality of public views as the overall visual character and quality of public views would remain the same. The Project would not introduce obstructions to the view or result in the construction of substantially different or incompatible elements that would contrast with the existing features. Therefore, impacts associated with degradation of the existing visual character or quality of public views would be less than significant. This topic is not analyzed further in the EIR. (Appendix A of the Draft EIR, p. 3-4.)

4. Light and Glare

Threshold: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-4.)

Explanation: Similar to existing conditions, the Project would include security lighting as appropriate at the dam facilities. The Project site is located within Zone A of the Mount Palomar Lighting Zone (areas within 0 to 15 miles of the Palomar Observatory). Security lighting would be selected and installed in accordance with County of Riverside Ordinance No. 655 "Regulating Light Pollution" regulations applicable to Zone A. Security lighting would be directed downward and/or would be appropriately shielded and would not result in visible glare in the surrounding areas. Security lighting would be similar to existing conditions and would therefore not be anticipated to affect wildlife. Therefore, the Proposed Project would not result in a significant impact related to light and glare. This topic is not analyzed further in the EIR. (Appendix A of the Draft EIR, p. 3-4.)

B. AGRICULTURE AND FOREST RESOURCES

1. Farmland Conversion

Threshold: Would the Project convert Primate Farmland, Unique Farmland, or Farmland of Statewide significance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-5.)

Explanation: There is no designated Farmland on the Project site; however, Farmland of Local Importance and Grazing Lands are designated to the east of Vail Lake. The Project would not result in land use changes on or off the Project site. Designated farmland and grazing lands east of Vail Lake would not be affected by the construction of the gravity dam or the potential increase in lake levels. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-5.)

2. Agricultural Zoning

Threshold: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-5.)

Explanation: The Project is not located within an area zoned for agricultural use or subject to a Williamson Act contract.8 The Project would not affect off-site agricultural land use. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-5.)

3. Forestland Zoning

Threshold: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-6.)

Explanation: The Project is not located within an area zoned as forest land, timberland, or Timberland Production areas, according to County of Riverside zoning or General Plan Land Use designations. The Project would not affect off-site forest land use. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-6.)

4. Loss of Forest Land

Threshold: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-6.)

Explanation: No forest or timberland exists at the Project site or in the surrounding area. Increases in lake water levels have the potential to affect vegetation along the reservoir margins; however, these areas do not include forest lands. Therefore, the Project would not result in the loss of forest land or the conversion of forest land to non-forest use. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-6.)

5. Conversion of Farmland or Forestland

Threshold: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-6.)

Explanation: The Project would not involve changes to the existing environment that would otherwise affect Farmland or forest land. The Project has the potential to improve water supply quality and reliability, which would be a benefit to agricultural lands within the District's service area. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-6.)

C. AIR QUALITY

1. Air Quality Plans and Air Quality Standards

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Less than significant. (Draft EIR, p. 3.1-20.)

Explanation: A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the air quality plans. A consistency determination fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are addressed. Only new or amended General Plan elements, Specific Plans, and significantly unique projects need to undergo a consistency review due to the air quality plan strategy being based on projections from local General Plans. The Air Quality Management Plan (AQMP) is based on regional growth projections developed by the Southern California Association of Governments (SCAG). The Proposed Project would remediate seismic and hydrologic hazards associated with the existing Vail Dam, a concrete arch dam, by constructing a new straight-axis gravity concrete dam. The Proposed Project would not house any persons, occupy more than 40 acres of land, or encompass more than 650,000 square feet (sq ft) of floor area. Thus, the Proposed Project would not be defined as a regionally significant project under CEQA; therefore, it does not meet SCAG's Intergovernmental Review criteria. Pursuant to the methodology provided in the South Coast Air Quality Management District (SCAQMD) CEQA Air Quality Handbook, consistency with the Basin 2016 AQMP is affirmed when a project (1) would not increase the frequency or severity of an air quality standards violation or cause a new violation and (2) is consistent with the growth assumptions in the AQMP. Based on the consistency analysis presented above, the Proposed Project would be consistent with the regional AQMP. Impacts would be less than significant, and no mitigation is required. (Draft EIR, p. 3.1-20.)

2. Sensitive Receptors

Threshold: Would the Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less than significant. (Draft EIR, p. 3.1-29)

Explanation: Cancer risk probability is often expressed as the number of cases of cancer that could occur if 1 million persons were exposed. This is calculated by multiplying the cancer risk times 1 million. Cancer risks less than 1 in 1 million, or 10 in 1 million with best available control technology for toxics (T-BACT), are considered acceptable by the SCAQMD under Rule 1401. Table 3.1.H shows the results of the conservative modeling for carcinogenic and chronic inhalation health risks at the maximum individual sensitive receptor. Even with the conservative modeling technique used, model results indicate that no sensitive receptor would be exposed to an unmitigated inhalation cancer risk greater than 0.03 in 1 million, which is less than the threshold of 10 in 1 million. Figure 3.1-2 shows the area's 30-year residential exposure carcinogenic risk levels. The 9-year child exposure risk levels would all be lower than the 30-year levels; thus, they would cover an area smaller than shown in Figure 3.1-2. Appendix B of the Draft EIR provides the HARP modeling reports and American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) information. The results for concrete batch plant activities are shown in Table 3.1.H for HI and for cancer risk. The chronic and acute HIs are less than 1.0, and the cancer risk is much less than 10 in 1 million. The results in Table 3.1.H for the Maximum Exposed Individual (MEI) off-site worker are overstated by a very large margin, as the maximum impacted receptors, NexStar Ranch and Rancho Pacifica Ranch, are not continuously operated. Therefore, the worker exposure adjustment factor is much less than 0.20. As shown in Table 3.1.H, the greatest chronic Hazard Index (HI) at a sensitive receptor would be 2.7 × 10-5, which is below the threshold of 1.0. These are conservative health risk levels, meaning they are much higher than are reasonably expected to occur. In addition, Table 3.1.H shows the noncancer acute inhalation health risks from all Project-related sources to the nearest residents and shows that the maximum acute HI from the Proposed Project's on-site truck activity and roadway traffic would be 1.6 × 10-6, which is also below the threshold of 1.0. Therefore, the potential for short-term chronic and acute exposure would be less than significant. In addition, once operational, potential air quality impacts would be associated with routine maintenance and operation of the Vail Dam reservoir, and recreational use at the site. Motor vehicles and boats would be the primary source of emissions associated with

reservoir operations. Operational and maintenance activities would include monitoring reservoir levels and outlet discharges, monitoring dam instrumentation, maintaining appropriate records, and maintaining mechanical and electrical equipment according to the equipment manufacturers' requirements. These activities would not result in additional employees or maintenance requirements compared to operation of the existing dam. Employee traffic for reservoir operations would not be appreciably different than the existing condition scenario. As such, the Proposed Project would not be a significant source of long-term operational emissions. As such, all health risk levels to the nearest residents from Project construction and operational emissions of Toxic Air Contaminants (TAC) would be well below SCAQMD's thresholds. No significant health risk would occur from Project-related activities. As such, impacts would be less than significant, and no mitigation is necessary. (Draft EIR, pp. 3.1-29 through 3.1-33.)

3. Other Adverse Emissions

Threshold: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-8.)

Explanation: According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Objectionable odors may be generated during the operation of diesel-powered construction equipment and/or asphalt paving during Project construction; however, these would not affect a substantial number of people due to the remote location of Vail Dam. Those odors would be temporary, would not result in long-term odor impacts, and would not affect a substantial number of people. The proposed uses associated with the Project are not anticipated to generate objectionable odors during operation. Therefore, the Project would not result in permanent impacts related to odors on nearby sensitive receptors (e.g., residential uses). Impacts related to odors would be less than significant, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-8.)

D. BIOLOGICAL RESOURCES

1. Local Policies and Ordinances

Threshold: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: Less than significant. (Draft EIR, p. 3.2-51.)

Explanation: The Riverside County Tree Preservation Ordinance (Ordinance No. 559) addresses trees above 5,000 ft in elevation and is not applicable to the Project site, which is well below that elevation. The District will comply with the requirements of Riverside County Ordinance 663 pertaining to payment of the Stephens' Kangaroo Rat (SKR) (Habitat Conservation Plan (HCP) fee. Impacts would be less than significant. (Draft EIR, p. 3.2-51.)

E. CULTURAL RESOURCES

1. Historical Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines, section 15064.5?

Finding: No impact. (Draft EIR, p. 3.3-5.)

Explanation: Two precontact and two historic-period previously recorded cultural resources were identified in the Project study area as a result of the August 18, 2020, Eastern Information Center (EIC) record search. The two precontact resources identified by the EIC record search are within the Project study area (but not within the Project site) and, as such, do not need to be considered for status as a historical resource for the Proposed Project pursuant to Section 15064.5. The two historic-period resources identified by the EIC record search as within the Project study area are located within the Project site and are discussed below.

P-33-014912 (Vail Lake Dam). Historic-period Vail Lake Dam, located within the western construction area of the Project site, was recorded as site P-33-014912 in 2006. The concrete arch dam was constructed in 1948. In 2009, Vail Dam was evaluated as ineligible for listing in the National Register; however, this 2009 finding was not sent to the State Historic Preservation Office (SHPO) for concurrence. LSA Architectural Historian Casey Tibbet found no appreciable changes to the historic integrity of the site based on the April 2020 field survey and has determined that the 2009 evaluation remains valid for purposes of Section 106 compliance. Because

the 2009 evaluation is more than 5 years old, Ms. Tibbet evaluated Vail Dam to address the California Register and Riverside County criteria for historical significance. It was determined that P-33-014912 is not eligible for listing in the California Register nor is it eligible for designation as a County Historic Landmark.

P-33-014913 (Concrete Irrigation Pipeline). The historic-period remnants of a concrete irrigation pipeline associated with Vail Lake Dam were recorded in 2006 and are located within the Project site. When this archaeological cultural resource was recorded, only disconnected remnants of the pipeline remained, likely moved by water from Temecula Creek. The pipeline remnants site was previously evaluated and determined to not be eligible for listing in the National Register or California Register under any criteria. This determination received SHPO concurrence on April 20, 2010. During the field survey conducted for this Proposed Project, it was determined that the site condition has remained unchanged since SHPO concurrence on the ineligibility of the site. As such, the finding of not eligible for listing in the National Register or the California Register remains valid.

Because neither P-33-014912 (Vail Lake Dam) nor P-33-014913 (Concrete Irrigation Pipeline) is a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines, implementation of the Project would result in no impact to the significance of a historical resource pursuant to Section 15064.5, and no mitigation is required. (Draft EIR, p. 3.3-5.)

F. ENERGY

1. Wasteful Use of Energy

Threshold: Would the Project result in potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Finding: Less than significant. (Draft EIR, pp. 3.4-4 through 3.4-6.)

Explanation: **Construction Energy Use**. Construction of the Proposed Project would require energy for the manufacture and transportation of aggregate materials, preparation of the site for excavation and rock blasting activities, and construction of the dam. All or most of this energy would be derived from nonrenewable resources. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. Fossil fuels are nonrenewable materials extracted from the earth and burned to produce heat or power. Petroleum products derived from fossil fuel (crude oil) are typically used to power construction equipment. Crude oil, a complex mixture of hydrocarbons, can be refined for use as a fuel for internal combustion engines (e.g., gasoline or diesel fuel). Fossil fuels, specifically diesel fuel, are evaluated because they are the means by which most of the construction equipment used to raise the dam and build other components would be powered. Construction of the Proposed Project could require approximately 31 months total using a variety of heavy equipment and vehicles. In addition, electrical energy will be supplied to the construction site during construction activities through the operation of diesel-fired generators. Transportation energy represents the largest energy use during construction and would occur from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Therefore, the analysis of energy use during construction focuses on fuel consumption. The use of energy resources would fluctuate according to the phase of construction. Most construction equipment would be gasoline-powered or diesel-powered, and the later construction phases would be electricity powered. Construction trucks and vendor trucks hauling materials to and from the Project site would be anticipated to use diesel fuel, whereas construction workers traveling to and from the Project site would be anticipated to use gasoline-powered vehicles. Fuel consumption from transportation uses depends on the type and number of trips, vehicle miles traveled (VMT), fuel efficiency of vehicles, and travel modes. Fuel use from construction trucks and construction worker vehicles traveling to the Project site was based on the estimated number of vehicle and truck trips and equipment operating hours that Project construction would generate and using the assumptions from the Construction Information Memo with the Anticipated Equipment Application and Construction Schedule (AECOM 2020). The length of the trip distances was previously discussed in Section 2.0, Project Description, of the Draft EIR. During the construction period, an estimated 866,816 gallons (gal) of fuel would be consumed. As shown in Table 3.4.A, estimated diesel fuel consumption would be 849,376 gal from construction related equipment and truck activities. For the construction worker vehicles, an estimated 17,920 gal of gasoline fuel

would be consumed. In 2019, 2.7 billion gal of fuel were consumed from vehicle trips in Riverside County based on EMFAC2017. Therefore, the peak annual fuel demand generated during construction would be less than 0.001 percent of the total annual gasoline and diesel fuel consumption in Riverside County. Impacts related to energy use during construction would be temporary and would be relatively small in comparison to Riverside County's overall usage and the State's available energy sources. For these reasons, Project construction would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be less than significant, and no mitigation is required.

Operational Energy Use. Typically, energy consumption is associated with fuel used for vehicle trips and electricity and natural gas use. Once the new dam is fully operational, potential energy usage would be associated with routine maintenance and operation of the Vail Dam reservoir, and recreational use at the site. Operational and maintenance activities would include monitoring reservoir levels and outlet discharges, monitoring dam instrumentation, maintaining appropriate records, and maintaining mechanical and electrical equipment according to the equipment manufacturers' requirements. Operation of the Proposed Project would not result in a substantial increase in electricity or natural gas use. Operation and maintenance activities would result in fuel demand associated with worker trips to the reservoir. However, employee traffic for reservoir operations would not be appreciably different than the existing condition scenario. Routine maintenance and operational activities at the dam and reservoir, and the use of the marina and reservoir, would result in negligible fuel demand. Therefore, once operational, implementation of the Proposed Project would not result in an increase in energy usage. Operation of the Proposed Project would not result in energy demand that would be considered inefficient, wasteful, or unnecessary. Therefore, impacts would be less than significant, and no mitigation is required. (Draft EIR, pp. 3.4-4 through 3.4-6.)

2. Energy Efficiency Plans

Threshold: Would the Project conflict with or obstruct a state of local plan for renewable energy or energy efficiency?

Finding: Less than significant. (Draft EIR, p. 3.4-6.)

Explanation: The CEC adopted the 2022 Integrated Energy Policy Report Update, which provides the results of the California Energy Commission's (CEC) assessments of a variety of energy issues facing California. The District relies on the State integrated energy plan and does not have its own plan to address renewable energy or energy efficiency. As indicated above, energy usage on the Project site during construction would be temporary in nature and would be relatively small in comparison to the overall use in the County. In addition, energy usage associated with operation of the Proposed Project would be relatively small in comparison to the overall use in Riverside County, and the State's available energy source. Therefore, energy impacts at the regional level would be negligible. Because California's energy conservation planning actions are conducted at a regional level, and because the Proposed Project's total impact on regional energy supplies would be minor, the Proposed Project would not conflict with or obstruct California's energy conservation plans as described in the CEC's Integrated Energy Policy Report. Additionally, as demonstrated above, the Proposed Project would not result in the inefficient, wasteful, and unnecessary consumption of energy. Therefore, the Proposed Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Impacts would be less than significant, and no mitigation is required. (Draft EIR, p. 3.4-6.)

G. GEOLOGY AND SOILS

1. Fault Rupture

Threshold: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Finding: Less than significant. (Draft EIR, p. 3.5-18.)

Explanation: Based on the California Geological Survey Maps, there are two Alquist-Priolo earthquake fault zones located in the vicinity of the Site [California Geological Survey (CGS) 2020]. The Elsinore fault zone is located approximately 6 miles to the west, and the San Jacinto fault zone is located approximately 14 miles east of the site. There are no faults within the Project footprint that are considered capable of producing ground rupture at the site. Therefore, the potential for ground surface rupture to impact the Project is considered very low. (Draft EIR, p. 3.5-18.)

2. Ground Shaking

Threshold: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic ground shaking?

Finding: Less than significant. (Draft EIR, p. 3.5-18.)

Explanation: The Project area is considered to have a potential to experience strong ground shaking due to a seismic event during the life of the Project. The dam would be designed to withstand seismic loads to reduce potential damage from seismic ground shaking due to an earthquake in accordance with California Department of Water Resources Division of Safety of Dams (DSOD) requirements. The Peak Ground Acceleration (PGA) for the design Maximum Credible Earthquake (MCE) is 0.39g (percentage of gravity). Through design in accordance with DSOD requirements and California Building Code, the Project would have a less than significant risk of loss, injury, or death as a result of strong seismic ground shaking since the Project would not expose people to hazardous conditions. (Draft EIR, p. 3.5-18.)

3. Ground Failure and Liquefaction

Threshold: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction?

Finding: No Impact. (Draft EIR, p. 3.5-18.)

Explanation: Due to the presence of coarse-grained, unconsolidated fill and alluvium, as well as a potential for shallow groundwater, in the canyon and in the area of the Primary Entry Road (50 Acre Parcel), Secondary Entry Road, and Pond Access Road, a potential exists for liquefaction to occur within the Project area. However, the proposed dam would be supported on bedrock and would not be impacted by seismic-related ground failure including liquefaction or related effects such as seismic settlement of dry sands or lateral spreading. There are no other structures or Project elements that would be negatively impacted by liquefaction or related effects. Therefore, there is not a potential for the Project to directly or indirectly cause risk of loss, injury, or death due to a seismic-related ground failure. (Draft EIR, pp. 3.5-18 through 3.5-19.)

4. Landslides

Threshold: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: landslides?

Finding: Less than significant. (Draft EIR, p. 3.5-19.)

Explanation: Active and ancient landslides are mapped along the alignment of the proposed North Access Road. There is a potential for down-slope movements to create distress within the road. However, the road will not be paved and can tolerate minor to moderate ground deformations, should they occur, while remaining operational. If more severe distress to the road occurs due to landslides, the road would be repaired. The dam would also be able to be accessed via the proposed South Access Road, and any temporary closures of the North Access Road would not negatively impact the Project. Therefore, the landslide potential that exists in the Project vicinity would result in a less than significant impact. (Draft EIR, p. 3.5-19.)

5. Soil Erosion

Threshold: Would the Project result in substantial soil erosion or the loss of topsoil?

Finding: Less than significant. (Draft EIR, p. 3.5-19.)

Explanation: Soil erosion and loss of topsoil would be controlled by Project design features provided during construction, including the Storm Water Pollution Prevention Plan and by revegetation completed after construction. Therefore, impacts would be less than significant. (Draft EIR, p. 3.5-19.)

6. Unstable Soils

Threshold: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Finding: Less than significant. (Draft EIR, p. 3.5-19.)

Explanation: Recent and ancient landslides are mapped along the alignment of the proposed North Access Road. However, the minor grading proposed to modify the existing road is not considered sufficient to trigger landslide movement. While the potential for liquefaction exists within and beyond the canyon downstream of the dam, the dam would be constructed on bedrock and would not be impacted by the presence of liquefaction. Further, the potential for liquefaction or related effects would not be increased due to construction of the Project. Therefore, impacts to unstable soils or geologic units as a result of the Project would be less than significant. (Draft EIR, p. 3.5-19.)

7. Expansive Soils

Threshold: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?

Finding: No impact. (Draft EIR, p. 3.5-19.)

Explanation: No expansive soils are known to exist at the Project site, and therefore no impacts would occur. (Draft EIR, p. 3.5-19.)

8. Septic Tanks

Threshold: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-16.)

Explanation: The Project would not include the use of septic tanks or alternative methods for disposal of wastewater into subsurface soils. No on-site sewage disposal systems (e.g., septic tanks) are planned. Operation of the dam would not involve wastewater generation; as a result, no alternative waste disposal systems would be constructed as part of the project. Therefore, the Project would not result in any impacts related to septic tanks or alternative wastewater disposal methods. No mitigation is required. (Appendix A of the Draft EIR, p. 3-16.)

Regulatory Compliance Measures

The following Regulatory Compliance Measure (RCM) is an existing regulation that is applicable to the Proposed Project and is considered in the analysis of potential impacts related to geology and soils. The District considers this requirement mandatory; therefore, it is not a mitigation measure.

RCM GEO-1 RCWD shall submit the final design plans to the California Department of Water Resources Division of Safety of Dams (DSOD), who will confirm that they are in compliance with DSOD requirements. (Draft EIR, p. 3.5-22.)

H. GREENHOUSE GAS EMISSIONS

1. Emissions Generation

Threshold: Would the Project generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant. (Draft EIR, p. 3.6-11.)

Explanation: **Less Than Significant During Construction**. During construction of the Proposed Project, GHGs would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs (e.g., CO2, CH4, and N2O). Furthermore, CH4 is emitted during the fueling of heavy equipment. The GHG emissions from construction activity would be temporary and would cease when construction is complete. Table 3.6.A lists the annual CO2e emissions for each of the planned construction phases based on the results from CalEEMod. As shown in Table 3.6.A, the Proposed Project would generate 3,280 MT CO2e from construction equipment and vehicle exhaust activity and 14,218 MT CO2e from the concrete process. With the amortized CO2e, the Proposed Project would generate a total of 583.24 metric tons (MT) CO2e/yr. The Proposed Project's emissions are less than the SCAQMD screening threshold of 2,280 MT CO2e/yr.1 Based on this GHG analysis, the Proposed Project's construction impacts would be less than significant.

No Impact During Operation. Long-term GHG emissions are typically generated from mobile and area sources as well as indirect emissions from sources associated with energy consumption. Mobile-source GHG emissions include project-generated vehicle trips to and from a project. Area source emissions would be associated with activities such as landscaping and maintenance on a project site. Energy source emissions are typically generated at off-site utility providers as a result of increased electricity demand generated by a project. Waste source emissions include energy generated by land filling and other methods of disposal related to transporting and managing project-generated waste. In addition, water source emissions are generated by water supply and conveyance, water

treatment, water distribution, and wastewater treatment. Once the new dam is fully operational, potential GHG impacts would be associated with routine maintenance and operation of the Vail Dam reservoir and recreational use at the site. Motor vehicles and boats would be the primary source of emissions associated with reservoir operations. Operational and maintenance activities would include monitoring reservoir levels and outlet discharges, monitoring dam instrumentation, maintaining appropriate records, and maintaining mechanical and electrical equipment according to the equipment manufacturers' requirements. Power would be used for lighting, security cameras, gate actuators, trash rack hoists, and monitoring and control systems. However, energy emissions would be minimal and would not exceed thresholds established by the SCAQMD. In addition, these activities would not result in additional employees or maintenance requirements compared to the existing operation of the dam. Employee traffic for reservoir operations would not be appreciably different than the existing condition scenario. As such, routine maintenance and operational activities at the dam and reservoir, and the use of the marina and reservoir, would result in negligible GHG emissions. Therefore, the Proposed Project's operational impacts related to GHG emissions would result in no impact, and no mitigation would be required. (Draft EIR, pp. 3.6-11 through 3.6-12.)

2. Emission Reduction Plans

Threshold: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

Finding: No impact. (Draft EIR, p. 3.6-13.)

Explanation: **CARB Scoping Plan**. California's major initiative for reducing GHG emissions is Assembly Bill (AB) 32, passed by the State Legislature on August 31, 2006. AB 32 is aimed at reducing GHG emissions to 1990 levels by 2020. AB 32 requires The California Air Resources Board (CARB) to prepare a Scoping Plan that outlines the main State strategies for meeting the 2020 deadline and to reduce GHGs that contribute to GCC. The AB 32 Scoping Plan has a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and nonmonetary incentives, voluntary actions, market-based mechanisms (e.g., a cap-and-trade system), and an AB 32 implementation fee to fund the program. Executive Order (EO) B-30-15 added the immediate target of reducing GHG emissions to 40 percent below 1990 levels by 2030. CARB released a second update to the Scoping Plan, the 2017 Scoping Plan (CARB 2017), to reflect the 2030 target set by EO B-30-15 and codified by

Senate Bill (SB) 32. SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reduction target of at least 40 percent below 1990 levels by 2030 contained in EO B-30-15. SB 32 builds on AB 32 and keeps California on the path toward achieving the State's 2050 objective of reducing emissions to 80 percent below 1990 levels. The companion bill to SB 32 (i.e., AB 197) provides additional direction to CARB related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 that is intended to provide easier public access to air emissions data collected by CARB was posted in December 2016. As identified above, the AB 32 Scoping Plan contains GHG reduction measures that work toward reducing GHG emissions, consistent with the targets set by AB 32 and EO B-30-15 and codified by SB 32 and AB 197. The measures applicable to the Proposed Project include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures. Energy efficient measures are intended to maximize energy efficiency building and appliance standards, pursue additional efficiency efforts (including new technologies and new policy and implementation mechanisms), and pursue comparable investment in energy efficiency from all retail providers of electricity in California. In addition, these measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. The existing dam facilities have overhead electrical service provided by Southern California Edison (SCE). The existing overhead service would need to be rerouted to accommodate the footprint of the new dam and outlet works facilities. New power poles would be provided to route the existing service up the downstream side of the right abutment to the new Dam Control Building. All new electrical utility facilities would be designed per SCE standards. Power is used for lighting, security cameras, gate actuators, trash rack hoists, and monitoring and control systems. The operation of the Dam Control Building would continue after Project construction; however, energy emissions would be minimal and would not conflict with any of the energy efficient measures. Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. The Proposed Project would remediate seismic and hydrologic hazards associated with the existing Vail Dam, a concrete arch dam, by constructing a new straight-axis gravity concrete dam immediately downstream of the existing dam. The Proposed Project would improve the existing dam and would not conflict with any of the water conservation and efficiency measures. The goal of transportation and motor vehicle measures is to develop regional GHG emission reduction targets for passenger

vehicles. Specific regional targets for transportation emissions would not directly apply to the Proposed Project. In addition, once operational, the Proposed Project is not expected to generate new vehicle trips. Therefore, the Proposed Project would not conflict with the identified transportation and motor vehicle measures. For the reasons stated above, the Proposed Project would not conflict with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32 and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and impacts would be less than significant. No mitigation is required.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy. SCAG's 2020–2045 RTP/SCS was adopted on September 3, 2020. SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) identifies that land use strategies that focus on new housing and job growth in areas served by high-quality transit and other opportunity areas would be consistent with a land use development pattern that supports and complements the proposed transportation network. The core vision in the 2020–2045 RTP/SCS is to better manage the existing transportation system through design management strategies, integrate land use decisions and technological advancements, create complete streets that are safe to all roadway users, preserve the transportation system, and expand transit and foster development in transit oriented communities. The 2020–2045 RTP/SCS contains transportation projects to help more efficiently distribute population, housing, and employment growth, as well as a forecasted development pattern that is generally consistent with regional-level General Plan data. The forecasted development pattern, when integrated with the financially constrained transportation investments identified in the 2020–2045 RTP/SCS, would reach the regional target of reducing GHG emissions from autos and light-duty trucks by 8 percent per capita by 2020 and 19 percent by 2035 (compared to 2005 levels). The 2020–2045 RTP/SCS does not require that local General Plans, Specific Plans, or zoning be consistent with the 2020–2045 RTP/SCS but provides incentives for consistency for governments and developers. Implementing SCAG's RTP/SCS will greatly reduce the regional GHG emissions from transportation, helping to achieve statewide emission reduction targets. The Proposed Project would remediate seismic and hydrologic hazards associated with the existing Vail Dam, a concrete arch dam, by constructing a new straight-axis gravity concrete dam immediately downstream of the existing dam. The Proposed Project would not conflict with the stated goals

of the RTP/SCS; therefore, the Proposed Project would not interfere with SCAG's ability to achieve the region's GHG reduction targets at 8 percent below 2005 per capita emissions levels by 2020 and 19 percent below 2005 per capita emissions levels by 2035, and it can be assumed that regional mobile emissions will decrease in line with the goals of the RTP/SCS. Furthermore, the Proposed Project is not regionally significant per State CEQA Guidelines Section 15206, and, as such, it would not conflict with the SCAG RTP/SCS targets, since those targets were established and are applicable on a regional level. Based on the nature of the Proposed Project, it is anticipated that implementation of the Proposed Project would not interfere with SCAG's ability to implement the regional strategies outlined in the RTP/SCS. Therefore, the Proposed Project would not conflict with an adopted plan, policy, or regulation pertaining to GHG emissions, and impacts would be less than significant. No mitigation is required. (Draft EIR, pp. 3.6-13 through 3.6-15.)

I. HAZARDS AND HAZARDOUS MATERIALS

1. Hazards Near Schools

Threshold: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-20.)

Explanation: Vail Dam and its appurtenant structures are not located within 0.25 mile of an existing or proposed school. Construction areas including access roads and staging and disposal areas are likewise not located within 0.25 mile of an existing or proposed school. The nearest schools are Crowne Elementary School and Tony Tobin Elementary School, which are located over 3 miles to the west of the Project access point from De Portola Road and the staging and disposal areas within the VDC Recharge Basins. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-20.)

2. Waste Sites

Threshold: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Finding: Less than significant. (Draft EIR, p. 3.7-16.)

Explanation: The Phase I Environmental Site Assessment (ESA) conducted by AECOM included a search of various governmental databases providing lists of hazardous materials sites. The site-specific environmental database report was reviewed to evaluate if soil and or groundwater from on-site and/or off-site sources of concern has the potential to impact the Proposed Project area. The Project site was not identified in the site-specific environmental database report. The District's Los Caballos Pump Station at 37205 De Portola Road is adjacent to the Project site and is listed in several databases which are compliance-related and not indicative of a release. Based on the nature of these listings, the property does not present a Recognized Environmental Condition (REC) to the Proposed Project. Additionally, there are unmapped/orphan listings for the Vail Lake Transmission Main and Pump Station at Pulgas Creek Road and a District VCD Well registered at the 37100 block of De Portola Road. These database listings are also compliance in nature and do not represent an REC in connection with the Proposed Project. Because the surrounding site listings do not present an REC for the Proposed Project, there would not be a significant hazard to the public or the environment during construction or operation of the Proposed Project, and impacts would be less than significant. No mitigation is required. (Draft EIR, p. 3.7-16.)

3. Public Airports

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-21.)

Explanation: The Project is not located within an airport land use plan or within two (2) miles of a public airport or public use airport. Therefore, no impacts would result, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-21.)

J. HYDROLOGY AND WATER QUALITY

1. Water Quality Standards

Threshold: Would the Project violate any water quality standards or waste discharge requirements?

Finding: Less than significant. (Draft EIR, p. 3.8-18.)

Explanation: **Construction.** The Proposed Project consists of the construction of a new straight-axis gravity concrete dam to replace the existing concrete arch dam. The site development includes improvements to access roads, provision for construction staging and material disposal areas, and partial demolition of the existing dam to allow for hydraulic connection of the reservoir with the new outlet tower. The remainder of the existing arch dam would remain in place. During partial demolition of the existing dam, the three central monoliths would be partially removed. The demolition would likely include saw cutting the arch monoliths into manageable sizes that can be removed with a barge-supported crane. Auxiliary barges would transport the demolition debris to the shoreline, likely to the spillway staging area. All the demolition debris will be removed from the site for off-site disposal via the Canyon Access Road. It is anticipated that the contractor would support the demolition equipment on a modular pontoon system that would be trucked to the site and then assembled to form a larger barge. Multiple barges may be required to transport equipment and demolition debris to/from the shoreline and the dam. The barges could be launched from the existing launch ramp (in the southeast part of the reservoir) or lofted into the reservoir with a crane located in the staging area planned in the spillway area. Pollutants of concern during construction include, but are not limited to, sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During construction, approximately 72.1 acres of soil would be disturbed. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via stormwater runoff into receiving waters (i.e., Temecula Creek, Santa Margarita River [Upper], and Santa Margarita River [Lower], and ultimately the Pacific Ocean). Sediment from increased soil erosion and chemicals from spills and leaks have the potential to be discharged to downstream receiving waters during storm events, which can affect water quality and impair beneficial uses. Because construction of the Proposed Project would disturb greater than 1 acre of soil, the Proposed Project is subject to the requirements of the Construction General Permit, as specified in Regulatory Compliance Measure RCM WQ-1. As also specified in RCM WQ-1, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared and construction Best Management Practices (BMP) detailed in the SWPPP would be implemented during construction, in compliance with the requirements of the Construction General Permit. Construction BMPs

would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Compliance with the requirements of the Construction General Permit, including incorporation of construction BMPs to target and reduce pollutants of concern in stormwater runoff, would ensure that construction impacts related to Waste Discharge Requirements (WDRs), water quality standards, degradation of water quality, and alteration of receiving water quality would be less than significant. According to the Geotechnical Data Report (AECOM 2021) that was prepared for the Proposed Project, groundwater levels at the dam ranged from an elevation of 1,358 ft NAVD88 (21.8 ft bgs) to 1,361 ft NAVD88 (12 ft bgs) in August and September 2017. However, the groundwater levels are likely higher during periods of increased precipitation and are likely currently higher than what existed in 2017 because of the higher reservoir levels. Deeper groundwater levels were encountered in the western part of the Project area, where groundwater was measured at approximately 64 ft bgs (at elevation 1,201.4 ft NAVD88) at USGS well number 333010117003101. In USGS well 333001117005702, which is approximately 0.3 miles south of the proposed Primary Entry Road (50 Acre Parcel), water levels ranged from 295 to 306 ft bgs, at elevations 946 to 957 ft NAVD88. As excavation depths in the western portion of the Proposed Project near the access road, improvements would be relatively shallow; groundwater dewatering is not anticipated in this location. However, due to the shallower groundwater levels located beneath the proposed dam, groundwater dewatering would likely be required during construction of the dam. As also stated in the Preliminary Design Report (AECOM 2019), dewatering of the dam foundation would likely be required due to seeps within the foundation rock and drainage of groundwater from the fills and alluvium within the valley portion of the excavation. Groundwater may contain high levels of total dissolved solids, nitrate, sediment, selenium, or other constituents, or high or low pH levels that could be introduced to surface waters when dewatered groundwater is discharged to surface waters. Depending on the water quality of the discharge, groundwater dewatering activities during excavation would be conducted in accordance with the General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region [Order No. R9- 2015-0013, National Pollutant Discharge Elimination System (NPDES) No. CAG919003] (Groundwater Discharge Permit), as specified in Regulatory Compliance Measure RCM WQ-2. The Groundwater Discharge Permit would require testing and treatment (as necessary) of groundwater encountered during groundwater dewatering

prior to release to surface waters to ensure that discharges do not exceed water quality limits specified in the permit. Compliance with the requirements of the Groundwater Discharge Permit, as specified in RCM WQ-2, would ensure impacts related to waste discharge requirements, water quality standards, and surface water quality would be less than significant during dewatering activities, and no mitigation would be required. Infiltration of stormwater has the potential to affect groundwater quality in areas of shallow groundwater. However, according to the Hydrology Study (AECOM 2022e) prepared for the Project, soils near Vail Lake are categorized in hydrologic soil Group C/D (e.g., soils that have a low/very-low rate of infiltration). Therefore, any infiltration in this area would be minimal due to the low infiltration potential of the on-site soils. Soils within the area by the Canyon Access Road are categorized in hydrologic soil Group A (e.g., soils having a high rate of infiltration). Therefore, there is potential for infiltration of stormwater runoff in this area. Groundwater could occur at varying depths throughout the Project site, ranging from 12 to 21.8 ft bgs at the proposed dam and from 64 to 306 ft bgs near the access road improvements. Pollutants in stormwater are generally removed by soil through absorption as water infiltrates. In areas of deep groundwater, there is more absorption potential and, as a result, less potential for pollutants to reach groundwater. As such, due to the depth to groundwater, it is not expected that any stormwater that may infiltrate during construction would affect groundwater quality because there is not a direct path for pollutants to reach groundwater. Furthermore, because the majority of the soils on the Project site are not favorable for infiltration, any infiltration during construction would be minimal. Therefore, Project construction activities would not substantially degrade groundwater quality and would result in a less than significant impact; no mitigation is required. In conclusion, construction of the Proposed Project would comply with existing NPDES regulations (as specified in Regulatory Compliance Measure RCM WQ-1), which includes preparation of a SWPPP and Erosion and Sediment Control Plans and implementation of Construction BMPs to target and reduce pollutants of concern in stormwater runoff, and with the requirements of the Groundwater Discharge Permit (as specified in Regulatory Compliance Measure RCM WQ-2), which includes testing and treatment (if required) of any groundwater prior to discharge to surface waters. Compliance with regulatory requirements would ensure that impacts related to violation of any water quality standards or waste discharge requirements, degradation of surface or ground water quality, and alteration of receiving water quality during construction would be less than significant, and no mitigation is required.

Operation. Expected pollutants of concern from long-term operation of the Proposed Project include nutrients (e.g., nitrogen and phosphorus), metals (e.g., copper, iron, and manganese), toxicity, bacteria and pathogens, and pesticides/herbicides. However, pollutants of concern would remain similar to existing conditions as the Proposed Project is not changing the use of the Project site, and the number of vehicle trips for site maintenance would not change from the existing condition. The Proposed Project would be required to comply with the requirements of the Regional Municipal Separate Storm Sewer System (MS4) Permit and associated guidance documents. The Regional MS4 Permit requires that a WQMP be prepared for priority new development and redevelopment projects. WQMPs specify the Site Design, Source Control, Low Impact Development (LID), and Treatment Control BMPs that would be implemented to capture, treat, and reduce pollutants of concern in stormwater runoff. Site Design BMPs are stormwater management strategies that emphasize conservation and use of existing site features to reduce the amount of stormwater runoff and pollutant loading generated from a project site. Source Control BMPs are preventative measures that are implemented to prevent the introduction of pollutants into stormwater. LID BMPs mimic a project site's natural hydrology by using design measures that capture, filter, store, evaporate, detain, and infiltrate stormwater runoff rather than allowing runoff to flow directly to piped or impervious storm drains. Treatment Control BMPs are structural BMPs designed to treat and reduce pollutants in stormwater runoff prior to releasing it to receiving waters. The Proposed Project will incorporate stormwater BMPs, as described in more detail below, to address stormwater water quality from operation of the Proposed Project. A Preliminary Water Quality Management Plan (WQMP) (AECOM 2022f) prepared for the Project specifies the Source Control, Site Design, and LID BMPs proposed for the Project (no Treatment Control BMPs are proposed). The Preliminary WQMP (AECOM 2022f) will be refined during final design based on the final site plans, as specified in Regulatory Compliance Measure RCM WQ-3. The Proposed Project BMPs are detailed below. Proposed Site Design BMPs includes preservation of natural drainage patterns onsite; protection of existing vegetation; preservation and enhancement of natural infiltration capacity; minimization of impervious surface area; and dispersion of stormwater runoff to adjacent pervious areas or small collection areas. Proposed Structural Source Control BMPs include use of enclosures, containment structures, and impervious pavement; use of berms or grading to prevent run-on; and use of lined bins. Proposed LID principles include site grading; use of rock-lined ditches; and use of the energy dissipater basin The Proposed Project would generally conform to existing on-site drainage patterns, and it is not anticipated that implementation of the Project would

change the overall hydrology of the Santa Margarita watershed. The Preliminary WQMP (AECOM 2022f) identifies four Drainage Management Areas (DMAs) in the proposed condition. DMA 1 consists of the proposed gravity dam area, dam crest, dam control building, and energy dissipater basin. The gravity dam and crest areas are located upstream of the energy dissipater basin. During a storm event, it is not anticipated that water would be released from the dam, and the energy dissipater basin would be utilized to capture stormwater runoff. In addition, the Project design includes a small rip rap area adjacent to the right (northern) abutment to limit scour, which will prevent downstream sedimentation. Stormwater runoff would sheet flow to the energy dissipater basin from the proposed gravity dam, and any runoff not draining into the energy dissipater basin would flow toward the existing pervious areas downstream of the proposed gravity dam. DMAs 2, 3, and 4 include the pervious unpaved access roads. Stormwater runoff in DMAs 2, 3, and 4 would sheet flow from the adjacent hillsides to the proposed access roads. The pervious unpaved access roads would be improved and graded in specific areas to reduce velocities of stormwater runoff and to minimize runoff and erosion. Specifically, unpaved access road improvements to the North Access Road, Canyon Access Road, Primary Entry Road (50 Acre Parcel), and South Access Road would include gravel surfacing to stabilize on-site soils and v-ditches on the slopes above and below the road to collect stormwater flow. The North Access Road would also include a rock-lined ditch. DMAs 2, 3, and 4 are considered self-treating areas since they are pervious, which allows for stormwater infiltration, and have adjacent pervious areas for overflow retention and therefore would not produce stormwater runoff. In combination, implementation of the proposed Site Design BMPs, proposed Structural Source Control BMPs, and proposed LID principles would reduce pollutants of concern from runoff from the Project site in compliance with the Regional MS4 Permit. In addition, as previously stated, pollutants of concern would be the same as those in the existing conditions because the Proposed Project is not changing the use of the Project site. Compliance with the requirements of the Regional MS4 Permit, including incorporation of operational BMPs to target pollutants of concern, would ensure that water quality impacts, degradation of water quality, and alteration of receiving water quality during Project operation would be less than significant. Infiltration of stormwater could have the potential to affect groundwater quality in areas of shallow groundwater. Infiltration of stormwater near Vail Lake would be minimal due to the low infiltration potential of the on-site soils. However, soils by the proposed access road improvements have a high rate of infiltration. Although there is potential for infiltration of stormwater runoff in this area, the Proposed Project would not introduce new pollutants,

and therefore, infiltration of stormwater would not change from the existing condition. Therefore, Project operation would not substantially degrade groundwater quality. In conclusion, construction of the Proposed Project would comply with existing NPDES regulations (as specified in Regulatory Compliance Measure RCM WQ-3), which include preparation of a Final WQMP and implementation of operational BMPs to target and reduce pollutants of concern in stormwater runoff from the Project site. Compliance with regulatory requirements would ensure that impacts related to violation of any water quality standards or WDRs, degradation of surface water or groundwater quality, and alteration of receiving water quality during Project operation would be less than significant, and no mitigation is required. (Draft EIR, pp. 3.8-18 through 3.8-22.)

2. Groundwater Supplies

Threshold: Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Finding: Less than significant. (Draft EIR, p. 3.8-23.)

Explanation: **Construction.** According to the 90% Design Report (AECOM 2022a), dewatering of the dam foundation would likely be required during construction activities. However, groundwater dewatering would be localized and temporary, and the volume of groundwater removed would not be substantial. In addition, any volume of water removed during groundwater dewatering would be minimal compared to the size of the Temecula Valley Groundwater Basin, which has a surface area of 137 square miles and a storage capacity of 253,000 acre-ft [California Department of Water Resources (DWR) 2004]. The District is also responsible for preparing annual groundwater audits for the Temecula Valley Groundwater Basin and recommends groundwater production reports to ensure sustainable groundwater management of the basin (District et al. 2014). Therefore, construction impacts related to a decrease in groundwater supplies or interference with groundwater recharge would be less than significant, and no mitigation is required.

Operation. Development of the Proposed Project would increase impervious surface area by approximately 0.97 acres within DMA 1 (the proposed gravity dam area, dam crest, dam control building, and energy dissipater basin), which would decrease on-site infiltration. According to the Hydrology Study (AECOM 2022e) prepared for the Project, soils near Vail Lake are categorized in hydrologic soil Group C/D (e.g., soils that have

a low/very-low rate of infiltration). Therefore, any infiltration in this area would be minimal due to the low infiltration potential of the on-site soils. Soils within the area by the Canyon Access Road are categorized in hydrologic soil Group A (e.g., soils having a high rate of infiltration). Therefore, there is potential for infiltration of stormwater runoff in this area. Although there is potential for infiltration of stormwater runoff in this area, the Proposed Project would not add pervious surfaces to the access roads, and therefore, infiltration of stormwater would not change from the existing condition. Furthermore, as the majority of the soils on the Project site are not favorable for infiltration; existing on-site infiltration is minimal. Therefore, the additional impervious surface areas would not substantially decrease infiltration compared to existing conditions. Additionally, any decrease in infiltration would be minimal in comparison to the size of the Temecula Valley Groundwater Basin. Furthermore, neither groundwater extraction nor injection would occur during operation. For these reasons, impacts related to depletion of groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be less than significant, and no mitigation would be required. (Draft EIR, p. 3.8-23.)

3. Erosion or Siltation

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Finding: Less than significant. (Draft EIR, p. 3.8-24.)

Explanation: **Construction.** During Project construction activities, soil would be exposed and disturbed, drainage patterns would be temporarily altered during grading and other construction activities, and there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. The Construction General Permit requires preparation of a SWPPP, as specified in Regulatory Compliance Measure RCM WQ-1. The SWPPP would detail Erosion Control and Sediment Control BMPs to be implemented during Project construction to minimize erosion and retain sediment on site. Portions of the three central monoliths of the existing dam would be removed to allow for hydraulic connection of the reservoir with the new outlet tower. With compliance with the requirements of the Construction General Permit and with implementation of the construction BMPs, construction impacts related to on- or off-site erosion or siltation would be less than significant, and no mitigation is required.

Operation. Approximately 14.54 acres (approximately 93 percent) of the Project site would consist of pervious surface area (the unpaved access roads) that would be subject to erosion. The pervious unpaved access roads in DMAs 2, 3, and 4 will be improved and graded in specific areas to reduce velocities of stormwater runoff and to minimize runoff and erosion. As the access roads have adjacent pervious areas for overflow retention, stormwater runoff would not occur in these areas. Therefore, on-site erosion and siltation impacts would be minimal in DMAs 2, 3, and 4. The Proposed Project would increase impervious area on the Project site by approximately 0.97 acres within DMA 1 (by the proposed gravity dam area, dam crest, dam control building, and energy dissipater basin), which would result in a net increase in stormwater runoff that can lead to downstream erosion in receiving waters (i.e., Temecula Creek, Santa Margarita River [Upper], and Santa Margarita River [Lower]). However, as specified in the Preliminary WQMP (AECOM 2022f), the energy dissipater area within DMA 1 is classified as a self-retaining area and is designed to retain the design storm rainfall that reaches the area from the proposed gravity dam, which is classified as an area that drains to a self-retaining area, without producing any stormwater runoff. Therefore, onsite erosion or siltation impacts would be minimal in DMA 1. As described in the Preliminary WQMP (AECOM 2020f), the Proposed Project would be exempt from the Regional MS4 Permit hydromodification1 requirements as the Project discharges stormwater runoff directly to an exempt reservoir (Vail Lake) and the drainage area for the Project is larger than 100 square miles and has a 100-year design flow higher than 20,000 cubic feet per second (cfs). Further, as described in the Hydrology Report, because of the negligible increase in stormwater runoff (less than a 1 percent increase), the Proposed Project would not substantially increase stormwater runoff to receiving waters. As specified in Regulatory Compliance Measure RCM WQ-4, a Final Hydrology Study would be prepared and would confirm that the energy dissipater basin is appropriately sized to accommodate the minor increase in peak stormwater flows based on the final design plans. Therefore, with implementation of Regulatory Compliance Measure RCM WQ-4, any increase in stormwater runoff from the Project site to receiving waters would not have a potential to result in downstream erosion or siltation. For these reasons, operational impacts related to substantial on- or off-site erosion or siltation would be less than significant, and no mitigation is required. (Draft EIR, pp. 3.8-24 through 3.8-25.)

4. Flooding

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Finding: Less than significant. (Draft EIR, p. 3.8-25)

Explanation: **Construction.** Project construction would comply with the requirements of the Construction General Permit and would include the preparation and implementation of a SWPPP. The SWPPP would include construction BMPs to control and direct onsite surface stormwater runoff to ensure that stormwater runoff from the construction site does not result in flooding on site. Therefore, the Proposed Project would not substantially alter the existing drainage pattern during construction. With implementation of BMPs, construction impacts related to a substantial increase in the rate or amount of surface stormwater runoff that would result in flooding would be less than significant, and no mitigation is required.

Operation. the Proposed Project would generally conform to existing on-site drainage patterns. Stormwater runoff in DMA 1 would sheet flow to the energy dissipater basin from the proposed gravity dam, and any stormwater runoff not draining into the energy dissipater basin would flow toward the existing pervious areas downstream of the proposed gravity dam. Stormwater runoff in DMAs 2, 3, and 4 would sheet flow from the adjacent hillsides to the proposed access roads. Although the proposed drainage condition would remain similar to the existing condition, the Proposed Project would increase impervious area on the Project site by approximately 0.97 acres within DMA 1 (by the proposed gravity dam area, dam crest, dam control building, and energy dissipater basin), which would slightly increase stormwater runoff from the Project site. The Hydrology Study (AECOM 2022e) only included areas immediately downstream of the existing gravity dam within the Project condition peak flow analysis, as DMAs 2, 3, and 4 would remain entirely pervious. As previously stated, DMAs 2, 3, and 4 are considered self-treating areas since they are pervious, which allows for stormwater infiltration, and have adjacent pervious areas for overflow retention and therefore would not produce stormwater runoff. For the area immediately downstream of the existing dam, the existing condition flow rate for the 100-year storm is 126.54 cfs and the proposed condition flow rate for the 100-year storm is 127.53 cfs. The peak flow for the 10-year storm would increase by approximately 0.62 cfs from the existing condition, and the peak flow for the 100-year storm would increase

by approximately 0.99 cfs from the existing condition. Further, according to the Hydrology Study (AECOM 2022e), as these increases in peak flow for the 10-year and 100-year storms are each less than a 1 percent increase from the existing condition, the increases in peak flow are considered negligible. The energy dissipater basin would also be designed to accommodate increased flows from the proposed dam, which would be the source of the highest increase in peak stormwater runoff. As the proposed condition peak flows for the 10-year and 100-year storms would each increase by less than 1 percent (or less than 1 cfs) from the existing condition, the Proposed Project would not be required to implement additional operational BMPs to reduce stormwater runoff and would not result in off-site flooding. In addition, as specified in Regulatory Compliance Measure RCM WQ-4, a Final Hydrology Study would be prepared. As demonstrated in the Hydrology Study (AECOM 2022e) and to be subsequently confirmed in the Final Hydrology Study, impacts related to an increase in the rate or amount of surface stormwater runoff in a manner that would result in on- or off-site flooding would be less than significant, and no mitigation is required. (Draft EIR, pp. 3.8-25 through 3.8-26.)

5. Runoff

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantially additional sources of polluted runoff?

Finding: Less than significant. (Draft EIR, p. 3.8-26.)

Explanation: **Construction.** Stormwater runoff from the Proposed Project would not discharge to a stormwater drainage system; stormwater runoff would either infiltrate within DMAs 2, 3, and 4 or would discharge to receiving waters within DMA 1. Construction of the Proposed Project has the potential to introduce pollutants to receiving waters (i.e., Temecula Creek, Santa Margarita River [Upper], and Santa Margarita River [Lower], and ultimately the Pacific Ocean) from erosion, siltation, and accidental spills. However, as specified in Regulatory Compliance Measure RCM WQ-1, the Construction General Permit requires preparation of a SWPPP, which would identify construction BMPs to be implemented during construction to reduce impacts to water quality, including those impacts associated with soil erosion, siltation, and spills. In addition, any groundwater extracted during groundwater dewatering activities that is discharged to surface waters would be tested and treated (if necessary) to ensure that any

discharges meet the water quality limits specified in the applicable NPDES permit (as specified in Regulatory Compliance Measure RCM WQ-2). Regulatory Compliance Measures RCM WQ-1 and RCM WQ-2 are existing NPDES requirements with which the Project is required to comply. These measures would prevent creation of substantial additional sources of polluted stormwater runoff being discharged to receiving waters through implementation of construction BMPs that target pollutants of concern in runoff from the Project site as well as testing and treatment (if required) of groundwater prior to its discharge to surface waters. Additionally, the SWPPP would include construction BMPs to control and direct surface stormwater runoff on site. For these reasons, construction impacts related to creation or contribution of stormwater runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would be less than significant with implementation of Regulatory Compliance Measures RCM WQ-1 and RCM WQ-2 and no mitigation is required.

Operation. Expected pollutants of concern from long-term operation of the Proposed Project include nutrients (e.g., nitrogen and phosphorus), metals (e.g., copper, iron, and manganese), toxicity, bacteria and pathogens, and pesticides/herbicides. However, pollutants of concern would remain similar to existing conditions as the Proposed Project is not changing the use of the Project site, and the number of vehicle trips for site maintenance would not change from the existing condition. The only pollutant that is anticipated to increase during operation is soil erosion. However, as previously stated, the pervious unpaved access roads in DMAs 2, 3, and 4 would be improved and graded in specific areas to reduce velocities of stormwater runoff and to minimize runoff and erosion. As specified in Regulatory Compliance Measure RCM WQ-3, implementation of operational BMPs (i.e., the energy dissipater basin) would prevent substantial additional sources of polluted stormwater runoff being discharged to receiving waters and would target pollutants of concern in stormwater runoff from the Project site. Additionally, the proposed condition peak flows for the 10-year and 100-year storms immediately downstream of the proposed dam would increase by less than 1 percent (or less than 1 cfs) from the existing condition. The energy dissipater basin would be designed to accommodate the negligible increase in stormwater flows from implementation of the proposed dam, which would be the source of the highest increase in peak stormwater runoff. As specified in Regulatory Compliance Measure RCM WQ-4, the Final Hydrology Report would confirm that the energy dissipater basin is appropriately sized to accommodate the minor increase in peak stormwater flows based on the final design plans. For these reasons, operational impacts

related to creation or contribution of stormwater runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would be less than significant with implementation of Regulatory Compliance Measures RCM WQ-3 and RCM WQ-4, and no mitigation is required. (Draft EIR, pp. 3.8-26 through 3.8-27.)

6. Flood Flows

Threshold: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would impede or redirect flood flows?

Finding: Less than significant. (Draft EIR, p. 3.8-27.)

Explanation: According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06065C2745G, No. 06065C2775G, No. 06065C3310G, and No. 06065C3350G (December 28, 2009), the Project site is located within Zones A, X, and D. The Primary Entry Road (50 Acre Parcel), Secondary Access Road, Pond Access Road, and a small westernmost portion of the North Access Road and the Canyon Access Road is within Zone A, which is classified as an area subject to inundation by the 1-percent-annual-chance flood event. A portion of the North Access Road and the Canyon Access Road would be located within Zone X, which is classified as an area of minimal flood hazard. The majority of the Project site, including the South Access Road and the majority of the North Access Road and the majority of the Canyon Access Road, lies within Zone D, an area of undetermined flood hazard (refer to Figure 3.8-2). The portion of the Proposed Project located within Zone A would only include improvements to some of the existing access roads; no structures outside of those for temporary construction work and staging would be placed directly within Zone A. Specifically, the improvements to the Proposed Project located within Zone A would include construction of two travel lanes (25 ft total width) and gravel surfacing for the Primary Entry Road (50 Acre Parcel) and gravel resurfacing of the existing Secondary Entry Road. While the Proposed Project would construct an entry road within an area mapped as the 100-year flood zone, the entry road would not raise flood flows as it would be at approximately the same elevation as the existing surface. Furthermore, the entry road will be surfaced with gravel, which would be pervious and which would allow stormwater to infiltrate the soil; the Project would not place permanent structures directly within a 100-year floodplain. Therefore, the Proposed Project would not impede or redirect flood flows, and impacts would be less than significant. No mitigation is required. Vail

Dam has provided passive downstream flood protection for the City of Temecula and the U.S. Marine Corps Base Camp Pendleton under more frequently recurring storms. Similar to the existing dam, the Proposed Project would continue to be used for passive flood protection. The proposed dam would control flood flows by impounding water behind the dam and utilizing the spillway to provide a controlled release of stormwater flows. As previously described, according to the California Dam Breach Inundation Maps, the majority of the Project site is located within the inundation area in the event of catastrophic failure of Vail Lake Dam (refer to Figure 3.7-1). However, per Regulatory Compliance Measure RCM H-1, the Vail Dam inundation map will be revised to reflect the changes to the inundation zone due to implementation of the Proposed Project. The revised inundation map would also demonstrate compliance with the requirement for an emergency drawdown. Therefore, because the Project would not place permanent structures or improvements directly within a 100-year floodplain, the Project would not impede or redirect flood flows, and a less than significant impact would occur related to impeding or redirecting of flood flows. No mitigation is required. (Draft EIR, pp. 3.8-27 through 3.8-28.)

7. Flood Hazard

Threshold: In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-24.)

Explanation: Seiching is a phenomenon that occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities such as reservoirs and water tanks. Such waves can cause retention structures to fail and subsequent flooding of downstream properties. Vail Lake is a relatively large body of water and has the potential for seiching; however, this has a low likelihood of occurring during construction, and it is not anticipated that substantial pollutant release would occur. Tsunamis are generated ocean wave trains generally caused by tectonic displacement of the seafloor associated with shallow earthquakes, seafloor landslides, rockfalls, and exploding volcanic islands. The Project is not in a tsunami inundation area. The risk associated with tsunamis, therefore, is not considered a potential hazard or a potentially significant impact, and no mitigation is required. The Project site includes areas within identified flood hazard zones associated with Vail Lake and Temecula Creek. Flooding downstream of Vail Dam during construction is highly unlikely with the current restrictions on lake water levels and with the District's ability to release water to reduce lake

water levels and avoid overtopping of the spillway. Because BMPs would reduce the potential for pollutants to occur on the site, and because any hazardous materials used on site would be properly stored and contained, impacts related to the release of pollutants in the event of inundation from flooding, tsunami, or seiche would be less than significant. No mitigation is required. (Appendix A of the Draft EIR, p. 3-24.)

8. Water Quality Control Plan

Threshold: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Finding: Less than significant. (Draft EIR, p. 3.8-28)

Explanation: The Project site is within the jurisdiction of the San Diego RWQCB. The San Diego RWQCB adopted a Basin Plan that designates beneficial uses for all surface and groundwater within its jurisdiction and establishes the water quality objectives and standards necessary to protect those beneficial uses. As summarized below, the Project would comply with the applicable NPDES permits and would implement construction and operational BMPs to reduce pollutants of concern in stormwater runoff. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via stormwater runoff into receiving waters. As specified in Regulatory Compliance Measure RCM WQ-1, the Proposed Project would be required to comply with the requirements set forth by the Construction General Permit, which requires preparation of a SWPPP and implementation of construction BMPs to control stormwater runoff and discharge of pollutants. In addition, groundwater dewatering may be required during construction. Groundwater that is discharged to surface waters can introduce total dissolved solids, nitrates, and other constituents to surface waters. If groundwater is discharged to surface waters, coverage under the Groundwater Dewatering Permit would be required, as also specified in Regulatory Compliance Measure RCM WQ-2. The primary pollutants of concern during Project operations include nutrients (e.g., nitrogen and phosphorus), metals (e.g., copper, iron, and manganese), toxicity, bacteria and pathogens, and pesticides/herbicides. However, pollutants of concern would remain similar to existing conditions as the Proposed Project is not changing the use of the Project site, and the number of vehicle trips for site maintenance would not change from the existing condition. As discussed in Regulatory Compliance

Measure RCM WQ-3, a Final WQMP would be prepared for the Project in compliance with the Regional MS4 Permit. The Final WQMP will detail the Site Design, LID, Source Control, and/or Treatment Control BMPs that would be implemented to treat stormwater runoff and reduce impacts to water quality during operation. The proposed BMPs would capture and treat stormwater runoff and reduce pollutants of concern in stormwater runoff. The Proposed Project would comply with the applicable NPDES permits, which require preparation of a SWPPP, specify regulations for groundwater dewatering, require preparation of a Final WQMP, and include implementation of construction and operational BMPs to reduce pollutants of concern in stormwater runoff. As such, the Project would not result in water quality impacts that would conflict with San Diego RWQCB's Basin Plan. Impacts related to conflict with a water quality control plan would be less than significant, and no mitigation is required. The Sustainable Groundwater Management Act (SGMA) was enacted in September 2014. SGMA requires governments and water agencies of high- and medium-priority basins to halt overdraft of groundwater basins. Specifically, SGMA requires the formation of local Groundwater Sustainability Agencies (GSAs), which are required to adopt Groundwater Sustainability Plans (GSPs) to manage the sustainability of groundwater basins in California. Part of the Project site is located within the Temecula Valley Groundwater Basin. The Temecula Valley Groundwater Basin is identified by the Department of Water Resources as a very low-priority basin (DWR 2020); therefore, development of a Groundwater Sustainability Plan is not required. Because there is not an adopted Groundwater Sustainability Plan applicable to the groundwater basin within the Project area, the Project would not conflict with or obstruct the implementation of a sustainable groundwater management plan. However, the District is responsible for preparing annual groundwater audits for the Temecula Valley Groundwater Basin and recommends groundwater production reports to ensure sustainable groundwater management of the basin (District et al. 2014). Therefore, a less than significant impact would occur related to conflict with or obstruction of water quality control plans or sustainable groundwater management plans, and no mitigation would be required. (Draft EIR, pp. 3.8-28 through 3.8-29.)

Regulatory Compliance Measures

The following Regulatory Compliance Measures are existing legal regulations that are applicable to the Proposed Project and are considered in the analysis of potential impacts related to hydrology and water quality. The District considers these requirements mandatory and required by law; therefore, they are not mitigation measures.

RCM WQ-1 Construction General Permit. Prior to commencement of construction activities, the District shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), NPDES No. CAS000002, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including permit application fees, a Notice of Intent (NOI), a risk assessment, a site plan, a Stormwater Pollution Prevention Plan (SWPPP), a signed certification statement, and any other compliance-related documents required by the permit, to the State Water Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number (WDID) is obtained for the Project from the SMARTS. Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of a SWPPP and implementation of construction site Best Management Practices (BMPs) to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level identified for the Project. The SWPPP shall identify the sources of pollutants that may affect the quality of stormwater and shall include BMPs (e.g., Sediment Control, Erosion Control, and Good Housekeeping BMPs) to control the pollutants in stormwater runoff. Upon completion of construction activities and stabilization of the Project site, a Notice of Termination shall be submitted via SMARTS.

RCM WQ-2 Groundwater Dewatering Permit. If groundwater dewatering is required during construction or excavation activities and the dewatered groundwater is discharged to the storm drain system, the District shall obtain coverage under the General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order No. R9- 2015-0013, NPDES No. CAG919003) (Groundwater Dewatering Permit), which covers general waste discharge requirements for discharges to surface waters within the San Diego region. This shall include submission of a Notice of Intent for coverage under the permit to the RWQCB at least 45 days prior to the start of dewatering. Groundwater dewatering shall not be initiated

until a WDID is received from the San Diego Regional Water Quality Control Board (RWQCB). Groundwater dewatering activities shall comply with all applicable provisions in the permit, including water sampling, analysis, treatment (if required), and reporting of dewatering-related discharges. Upon completion of groundwater dewatering activities, a Notice of Termination shall be submitted to the San Diego RWQCB.

RCM WQ-3 Final Water Quality Management Plan. Prior to the initiation of construction activities, the District shall prepare a Final Water Quality Management Plan (WQMP) in compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Regional MS4 Permit). The Final WQMP shall be prepared consistent with the requirements of the Model Santa Margarita Region Water Quality Management Plan (2018), or subsequent guidance manuals. The Final WQMP shall specify the BMPs to be incorporated into the Project design to target pollutants of concern in runoff from the Project area. The District shall ensure that the BMPs specified in the Final WQMP are incorporated into the final Project design.

RCM WQ-4 Final Hydrology and Hydraulic Analysis. The District shall submit a Final Hydrology Study to the Riverside County Flood Control and Water Conservation District Chief Engineer, or designee, for their records prior to start of construction. The Final Hydrology Study shall be prepared consistent with the requirements of the Riverside County Flood Control and Water Conservation District Hydrology Manual (2018), or subsequent guidance manuals. The Final Hydrology Study shall demonstrate that the energy dissipater basin and on-site drainage facilities are designed in compliance with the hydromodification requirements of the National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100 (NPDES No. CAS0109266) (Regional MS4 Permit). The Final Hydrology Study shall also demonstrate that the energy dissipater basin is adequately sized to accommodate stormwater runoff from the design storm. Thus, Construction and operational impacts related to hydrology and water quality would be less than significant. (Draft EIR, pp. 3.8-32 through 3.8-33.)

K. LAND USE AND PLANNING

1. Established Communities

Threshold: Would the Project physically divide an established community?

Finding: No impact. (Draft EIR, p. 3.9-11.)

Explanation: The Initial Study, included as Appendix A, substantiates that there would be no impacts because the Proposed Project would not disrupt/realign the existing roadway network or affect/disrupt residential neighborhoods in the Project vicinity; therefore, it was determined that implementation of the Proposed Project would not physically divide an established community. This topic will not be discussed further in this section. (Draft EIR, p. 3.9-11.)

2. Conflicts With Plans

Threshold: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: Less than significant. (Draft EIR, p. 3.9-11.)

Explanation: The consistency of the Proposed Project with applicable provisions of the land use plans, policies, and regulations is evaluated in the Draft EIR. For each identified plan, applicable policies, goals, and objectives are stated alongside a discussion of the Project's consistency with each item. The analysis addresses both construction and operation of the Project.

SCAG. Table 3.9.C lists the applicable provisions of the SCAG RCP and includes a discussion of the Project's consistency with each policy. As documented in Table 3.9.C, construction and operation of the Project would be consistent with the applicable provisions of the SCAG RCP.

County of Riverside General Plan. Table 3.9.D lists the applicable provisions of the County General Plan and the Southwest Area Plan and includes a discussion of the Project's consistency with each policy. As documented in Table 3.9.D, construction and operation of the Project would be consistent with the applicable provisions of the County General Plan and Southwest Area Plan and will comply with applicable regulations such as County Ordinance No. 655.

MSHCP. The District intends to obtain Take Authorization for impacts to special-status species through the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) as a Participating Special Entity. Therefore, the Project will be required to meet the Global Biological Objectives of the MSHCP, including the protection of narrow endemic, criteria area, mammal, and amphibian species; species associated with riverine/riparian habitat, wetlands, or vernal pool habitat; and upland and wetland habitat quality. These objectives include additional survey needs (e.g., burrowing owl, arroyo toad, narrow endemic plants, and criteria area plants) and procedures such as the standard BMPs listed in Appendix C of Volume 1 of the MSHCP. Compliance with mitigation measures BIO-1 through BIO-7 and BIO-10 through BIO-13 will ensure that the Project is constructed and operated in a manner that is consistent with the MSHCP. Table 3.9.E lists the policies of the Property Guidance Document and includes a discussion of the Project's consistency with each policy. Additionally, the table lists the proposed land use(s) in each area within the Project footprint and indicates the consistency of the Project component(s) within those areas with the proposed land use(s). As documented in Table 3.9.E, construction and operation of the Project would be consistent with the applicable provisions of the Property Guidance Document, which specifically identifies the Project and proposes appropriate land uses in areas where Project components would be located.

2014 Upper Santa Margarita Watershed IRWM Plan Update. Table 3.9.F lists applicable policies of the Integrated Regional Water Management (IRWM) Plan Update and includes a discussion of the Project's consistency with each policy. As documented in Table 3.9.F, construction and operation of the Project would be consistent with the applicable provisions of the Upper Santa Margarita Watershed IRWM Plan Update. (Draft EIR, p. 3.9-11.)

Regulatory Compliance Measures

The following RCMs are existing regulations that are applicable to the Proposed Project and are considered in the analysis of potential impacts related to land use. The District considers these requirements mandatory; therefore, they are not mitigation measures.

RCM LU-1: The access point at De Portola Road at the Primary Entry Road (50 Acre Parcel) will comply with Riverside County's standards for driveways. The design of the driveway will be provided by the District to Riverside County for review as part of obtaining an encroachment permit for a driveway approach to be obtained by the contractor.

RCM LU-2: The Project will minimize light and glare impacts in accordance with Riverside County Ordinance No. 655, Regulating Light Pollution, including use of allowed light fixtures and types specified within the ordinance. The District shall verify compliance with this requirement prior to issuing the Final Design Plans.

The Proposed Project would not result in potentially significant impacts related to land use and planning; therefore, no mitigation is required. The Proposed Project would not result in potentially significant impacts related to land use and planning.

L. MINERAL RESOURCES

1. Regional and Statewide Mineral Resources

Threshold: Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-26.)

Explanation: The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam through construction of a new gravity dam. The Project will not appreciably change land use or resource availability on the Project site. Construction of the new gravity dam will require approximately 147,000 tons of aggregate that would be imported from an existing off-site quarry, using known mineral resources for dam construction. Quarries with available aggregate materials have already completed environmental analysis and obtained appropriate permits for the extraction of resources. The use of this aggregate for seismic and hydrologic hazard remediation at Vail Dam would benefit the region and residents of the State by reducing the risk of losses and financial impact caused in the event of a catastrophic dam failure at Vail Lake, and would not restrict future use of the quarry sites for further mineral extraction. Therefore, impacts would not be significant. (Appendix A of the Draft EIR, p. 3-26.)

2. Locally-Important Mineral Resource

Threshold: Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-26.)

Explanation: There are no active quarries on the Project site and the site is not used for mineral extraction. These quarries may include locally important mineral resource recovery sites; however, they have already completed environmental analysis and obtained appropriate permits for the extraction of resources, and the Project would not restrict future use of the sites for further mineral extraction. Therefore, impacts would not be significant. (Appendix A of the Draft EIR, p. 3-26.)

M. NOISE

1. Vibration

Threshold: Would the Project result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

Finding: Less than significant. (Draft EIR, p. 3.10-7.)

Explanation: **Construction.** Construction Equipment: other than the District facilities, the closest structures to the areas of construction at the Project site are the existing buildings associated with NexStar Ranch to the north, approximately 60 ft from the nearest construction activities. The operation of a large bulldozer would generate ground-borne vibration levels of 0.014 in/sec peak particle velocity (PPV). This level would not exceed the 0.2 in/sec PPV guideline and, therefore, impacts would be less than significant. No mitigation is required. Blasting: per the Noise and Vibration Impact Analysis, the estimated vibration impact at the nearest buildings to the west of blasting activity would be 0.002 to 0.018 in/sec PPV. These levels are well below the criteria for potential building damage. The Proposed Project includes a Blasting Plan as Regulatory Compliance Measure RCM N-2.

Operation. The Proposed Project would not include any sources of long-term operational vibration. Additionally, the streets surrounding the Project area are paved and smooth and are unlikely to cause significant ground-borne vibration, and the number of maintenance vehicles that would access the Project site in the future would not change compared to existing conditions. Therefore, there would be no vibration impacts associated with the long-term operation of the Proposed Project. (Draft EIR, p. 3.10-7.)

Regulatory Compliance Measures

RCM N-2 A Blasting Plan for construction shall be prepared by the District or the contractor (subject to District approval) prior to initiation of construction. The Blasting Plan shall be followed during construction with the District's Development & Design Services Director or designee oversight. The plan shall include the following related to noise and vibration impacts: Type and quantity of explosives and description of detonation device; Identification of blast officer; Drawings of blast locations, surrounding buildings, and other locations that could be inhabited; Blasting notification procedures, lead times, and list of those notified, including public notification to potentially affected vibration and nuisance noise receptors describing the expected extent and duration of the blasting; Identification of transportation practices, on-site storage, and security of explosives in accordance with local, State, and federal regulations; Acceptable weather conditions for blasting and safety provisions for potential stray current (if electric detonation); Procedures for handling, setting, wiring, and firing explosives; and procedures for handling misfires; Methods of matting or covering of blast area to prevent flyrock and excessive air blast pressure; Description of blast vibration and air blast monitoring programs; A sound attenuation plan shall be prepared outlining sound control measures that would include the use of blasting mats or sound walls; and The stability of all nearby surrounding structures shall be monitored during all blasting events. The Blasting Plan, outlined below, shall include provisions to ensure that no damage would occur to the existing dam or ancillary structures during blasting. (Draft EIR, pp. 3.10-7 through 3.10-8.)

2. Airport Noise

Threshold: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-28.)

Explanation: The Project is not located within 2 miles of a public airport or public use airport, and would not expose people residing or working in the area to excessive noise levels. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-28.)

N. POPULATION AND HOUSING

1. Population Growth

Threshold: Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-29.)

Explanation: The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam. It does not include construction of new homes or businesses and does not include extension of roads or other infrastructure. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-29.)

2. Displacement of Housing

Threshold: Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-29.)

Explanation: The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam. It does not require the displacement of any people or housing. As a result, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-29.)

O. PUBLIC SERVICES

1. Fire Protection, Police Protection and Schools

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, for Sheriff Law Enforcement Services or for schools?

Finding: Less than significant. (Draft EIR, p. 3.11-4 and Appendix A of the Draft EIR, p. 3-30.)

Explanation: The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam. It does not include construction of governmental facilities, new homes, or businesses, does not include extension of roads or other infrastructure, and it is not anticipated to affect the population within the area. The Project would not introduce new facilities requiring fire protection, as the gravity dam would be constructed immediately downstream of the existing arch dam. No additional police protection would be required as the District provides security on site and public access is limited. No additional schools, parks, or other public facilities would be required as no changes in area population would occur as a result of the Project. Therefore, no significant impacts would occur, and no mitigation is required. (Draft EIR, p. 3.11-4 and Appendix A of the Draft EIR, p. 3-30.)

2. Parks and Other Public Facilities

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks or other public facilities?

Finding: Less than significant. (Draft EIR, p. 3.11-4.)

Explanation: The Vail Lake Resort is located on District-owned property along the southern shore of Vail Lake, in the vicinity of the confluence of Arroyo Seco Creek and Vail Lake. KEI operates this property as a recreational amenity under contract to the District. Project construction would not result in direct impacts to this area. DSOD restricts the maximum reservoir elevation until the hydrologic and seismic deficiencies are remediated (DSOD 2015). In June 2015, DSOD established an interim restriction level of 1,457.60 feet (ft) NAVD88. Although implementation of the Proposed Project would remove the DSOD restrictions, the District does not propose changes to lake operations and would lower the lake water if it exceeds 1,457.6 ft NAVD88 (15 ft below the spillway crest) to maintain capacity for rainfall inflow. The Vail Lake Recreation Management Plan (District 2019) details proposed the District improvements to the Vail Lake boat launch and Marina facilities, including the installation of floating docks at the Vail Lake Marina, which can be moved as the lake is either lowered or raised. However, these proposed improvements are not included as part of the Proposed Project and would be included under a separate environmental analysis. The Proposed Project would result in a less than significant impact associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental

impacts in order to maintain acceptable service ratios, response times, or other performance measures. The Proposed Project's impacts would be less than significant; no mitigation is required. (Draft EIR, p. 3.11-4.)

P. RECREATION

1. Increased Use

Threshold: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-32.)

Explanation: The Project would not alter population in the area or increase the use of existing parks, no significant impacts would occur, no mitigation is required. (Appendix A of the Draft EIR, p. 3-32.)

2. Construction and Expansion

Threshold: Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-32.)

Explanation: The Project does not include recreational facilities or require the construction or expansion of recreational facilities. (Appendix A of the Draft EIR, p. 3-32.)

Q. TRANSPORTATION / TRAFFIC

1. Plans, Policies, and Ordinances

Threshold: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Finding: Less than significant. (Draft EIR, p. 3.12-3)

Explanation: The Proposed Project would be required to comply with the County's General Plan Circulation Element policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Compliance with these requirements is also interpreted to apply to the equestrian trails located on District property that could be affected by the Proposed Project.

Construction. To assess the impact of the Proposed Project on the surrounding circulation system, construction Project trips were estimated that would be generated on a temporary basis throughout each phase of construction and based on the number of construction workers and trucks. Once the Proposed Project is complete, Vail Lake and Vail Dam would not require any full-time, dedicated District staff or part-time construction workers for typical day-to-day operations (i.e., no operational vehicle trips). Based on construction information provided by AECOM (email correspondence dated April 2020), construction of the Proposed Project will include the following 14 phases (including phase duration and daily worker and truck estimates) over 31 months between the fall of 2023 and late 2025. Some phases would overlap. Construction of the Primary Entry Road (50 Acre Parcel), which is part of Phase 2, would be the first order of work. Delivery and installation of noise barriers would occur as part of Phase 1 and Phase 2, respectively. Workers are assumed to arrive to the site in the a.m. peak hour and depart from the site during the p.m. peak hour to present a conservative estimate of trip generation. Truck trips are anticipated to occur throughout the day, including both peak hours. As shown in Table 3.12.A, the overlap of Phases 8, 9, and 10 would be the most intense period of construction (i.e., the highest construction trip generation). Over approximately 11 weeks, the overlapping construction activities of Phases 8, 9, and 10 are anticipated to generate 250 average daily trips (ADT), including 49 trips (42 inbound and 7 outbound) in the a.m. peak hour and 49 trips (7 inbound and 42 outbound) in the p.m. peak hour. All other individual and overlapping construction phases would generate 42 or fewer peak-hour trips. Mitigation Measure H-3 sets forth the following requirement, which would further reduce impacts to pedestrians, equestrians, and bicyclists: Construction Traffic Management Plan (CTMP). Prior to commencement of grading activities, the construction contractor shall prepare a CTMP to the satisfaction of the District and shall ensure that the plan is implemented during construction with the goal of maintaining acceptable intersection LOS during peak traffic hours and ensuring that construction traffic does not queue on public roadways. The CTMP shall be consistent with the California Temporary Traffic Control Handbook (CATTCH) (previously known as the California Joint Utility

Traffic Control Manual) (California Inter-Utility Coordinating Committee 2018).

Operation. County staff determined that a Traffic Impact Analysis (TIA) is not required for the Proposed Project. Therefore, the Proposed Project is not anticipated to result in any LOS or operational deficiencies to the surrounding circulation system. Although the Proposed Project would generate a temporary increase in trips by vehicles and trucks, it would not preclude alternative modes of transportation or facilities (e.g., transit, bicycle, equestrian, or pedestrian). Therefore, the Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, equestrian, and pedestrian facilities or with existing or planned pedestrian, bicycle, equestrian, or transit facilities. No mitigation is required. Although not required to mitigate a transportation impact, the CTMP set forth in Mitigation Measure H-3 would further reduce impacts to pedestrian, bicycle, equestrian, and transit facilities. (Draft EIR, pp. 3.12-3 through 3.12-9.)

2. VMT

Threshold: Would the Project conflict or be inconsistent with CEQA Guidelines sections 15064.3, subdivision (b)?

Finding: Less than significant. (Draft EIR, p. 3.12-9.)

Explanation: Project construction trucks do not need to be included in the Project VMT assessment. Additionally, the OPR Technical Advisory recommends VMT screening thresholds for smaller projects. The OPR Technical Advisory recommends that a project generating 110 ADT or less be screened out of a VMT analysis due to the presumption of a less than significant impact. The Proposed Project is an improvement project that would generate temporary construction trips over 31 months. During the 11-week peak of construction activities, the Proposed Project would generate 250 total ADT (182 truck ADT and 68 worker ADT). Since the Proposed Project is estimated to generate 68 worker (passenger car) ADT, it is considered a small project for the purposes of this analysis and would not conflict or be inconsistent with State CEQA Guidelines Section 15064.3(b). As previously described, the Proposed Project is not anticipated to result in any LOS or operational deficiencies to the surrounding circulation system based on its description, location, and temporary construction trip generation (peak of 250 ADT, including 49 trips in the a.m. and p.m. peak hours). Therefore, the Proposed Project would not conflict with any congestion management program,

standards, or travel demand measures for roads or highways. Therefore, a less than significant impact would occur in regard to conflict with CEQA Guidelines section 15064.3 or conflict with an applicable congestion management program, standards, or travel demand measures for roads or highways, and no mitigation is required. (Draft EIR, pp. 3.12-9 through 3.12-10.)

3. Design Hazards

Threshold: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-34.)

Explanation: The Project includes improvements to access roads that traverse steep terrain as well as the canyon bottom to allow construction-related vehicles and equipment to access the site. These access roads may include sharp curves, creek crossings, and steep grades; however, as these features would be limited to the District's privately owned roads and would not be accessible to the public, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-34.)

4. Emergency Access

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than significant. (Appendix A of the Draft EIR, p. 3-34.)

Explanation: The Project is the construction of a gravity dam to remediate seismic and hydrologic hazards associated with the current arch dam. Site access to Vail Dam is presently limited to the existing North Access Road and Canyon Access Road from De Portola Road through the VDC Recharge Basins, and the South Access Road from SR-79. Access along one or more routes may be temporarily unavailable as access road improvements are under construction; however, construction would be phased such that emergency access to the dam is always available via at least one route. Therefore, no significant impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-34.)

R. TRIBAL CULTURAL RESOURCES

1. Tribal Cultural Resources

Threshold: Would the Project 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 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: (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)?

Finding: No impact. (Draft EIR, p. 3.13-3.)

Explanation: A cultural resources record search was completed on August 18, 2020, at the Eastern Information Center (EIC) of the California Historical Resources Information System (CHRIS) at the University of California, Riverside. It included a review of all prehistoric and historic archaeological sites within a 1.0-mile radius of the Proposed Project study area, as well as a review of known cultural resource survey and excavation reports in that area. The California State Historic Resources Inventory (HRI), the National Register of Historic Places, California Historical Landmarks (SHL), California Points of Historical Interest (SPHI), and various local historical registers were examined. Between April 20, 2020, and July 22, 2022, pedestrian field surveys of the Project study area were conducted by walking transects spaced approximately 10 meters apart where possible (LSA 2022d). Native American consultation was conducted in compliance with AB 52. The Rincon Band of Luiseño Indians and Pechanga Band of Luiseño Indians both requested consultation on the Proposed Project. The Rincon Band of Luiseño Indians deferred to the Pechanga Band of Luiseño Indians for Project-related mitigation, potential construction monitoring, and report review. Juan Ochoa (Assistant Tribal Historic Preservation Officer for the Pechanga Band of Luiseño Indians) stated that the Project site is within a Traditional Cultural Property. No specific information regarding tribal cultural resources within the Project site has been provided to the District. There are no tribal cultural resources within the Project site that are listed or eligible for listing in the California Register of Historical Resources (California Register), or in a local register of historical resources as defined in PRC Section 5020.1(k). As such, the Proposed Project would result in no impact to the significance of a tribal cultural resource (as defined in PRC Section 21074) that is listed or eligible for listing in the California Register, or in a local register of historical resources as defined in PRC Section 5020.1(k). No mitigation is required. (Draft EIR, pp. 3.13-3 through 3.13-14.)

S. UTILITIES AND SERVICE SYSTEMS

1. Wastewater Treatment Requirements

Threshold: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Less than significant. (Draft EIR, p. 3.14-5.)

Explanation: No changes to water, wastewater treatment, stormwater drainage, natural gas facilities, or telecommunications facilities are proposed as part of the Project. However, the existing dam facilities have a 6.9-kilovolt (kV) overhead electrical service provided by SCE. The existing overhead service will need to be rerouted to accommodate the footprint of the new dam and outlet works facilities. New power poles will be provided to route the existing service up the downstream side of the right abutment to the new Dam Control Building. The new electrical service for the new dam facilities will be 100A, 480V, and 3P rated and include one pole mounted electrical transformer. The new electrical service will be routed from the pole mounted transformer to the main circuit breaker inside the Dam Control Building. This main breaker will feed power to the various mechanical equipment and lighting features for the new dam facilities. All new electrical utility facilities will be designed per SCE standards. Short-term construction activities would be limited to providing power to the staging area and portable construction equipment and would not substantially increase demand for electricity. Heavy equipment used for construction is primarily powered by diesel fuel. Temporary electric power would be provided via existing utility poles by the proposed access roads. Given the limited nature of potential demand for electricity during construction and the availability of existing power lines adjacent to the Project site, there would not be a need to construct new or alter existing electric transmission facilities. Impacts to regional electricity supplies would be less than significant. As the Proposed Project is the demolition and replacement of an existing dam, the Proposed Project would not increase electrical demand beyond existing projections from the local electricity provider, and the Project site is within a developed service area with existing demand. Therefore, the Proposed Project would not require the construction of any physical improvements related to the provision of electricity service that would result in significant environmental impacts, and the Project's potential impacts would be less than significant. No mitigation would be required. (Draft EIR, pp .3.14-5 through 3.14-6.)

2. Water Supplies

Threshold: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-37.)

Explanation: The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam and will support the District's management of surface and groundwater resources. Dam operation would not contribute to demands on water supply. Therefore, no impacts would occur, and no mitigation is required. (Appendix A of the Draft EIR, p. 3-37.)

3. Wastewater Capacity

Threshold: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding: No impact. (Appendix A of the Draft EIR, p. 3-38.)

Explanation: The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam and will not affect demands on wastewater treatment providers. Therefore, no impacts would occur, no mitigation is required. (Appendix A of the Draft EIR, p. 3-38.)

4. Solid Waste

Threshold: Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Finding: Less than significant. (Draft EIR, p. 3.14-5.)

Explanation: The Project site is located within RCDWR's service area. RCDWR owns and operates seven active landfills in Riverside County that accept municipal solid waste. These include the Badlands Landfill, Blythe Landfill, Edom Hill Landfill, Lamb Canyon Landfill, Mecca II Landfill (open 2 days/week), Desert Center Landfill (open 2 days/year), and Oasis Landfill (open 1 day/week). The El Sobrante Landfill is also located in the County and is privately owned and operated under an agreement with the County of Riverside. All eight landfills are classified as Class III landfills, which accept only nonhazardous, municipal, solid wastes. Project

construction will include substantial site preparation activities and partial demolition of the existing Vail Dam. Approximately 64,900 cy of materials (including the previous foundation spoils, alluvium, fill, and moderately weathered rock) would be generated for excavation for the dam foundation. Most of this material would be used to construct the new alignment of the South Access Road. The balance of the excavation materials would require removal from the dam area and subsequent disposal. The District currently plans to keep the excess materials on its property for possible future reuse. Disposal areas are anticipated to be located within the staging and laydown area near De Portola Road on the District's 50-Acre Parcel as shown on Figure 2-2. However, it is likely not all waste materials would be suitable for reuse (e.g., minor metallic demolition debris such as hand railings, piping, and valves from demolition of the existing facilities, as well as concrete from the partial removal of the existing dam). For waste materials that would not be suitable for reuse, including approximately 1,250 cy of dam demolition debris, waste materials would be transported off site to the Lamb Canyon Landfill (or other permitted facility with capacity). The Lamb Canyon Landfill is the closest RCDWR landfill to the Proposed Project site and is located approximately 27.3 miles north of the Project site. The Lamb Canyon Landfill is permitted to receive a daily maximum of 5,000 tons per day (tpd) and is scheduled to close in approximately 2029 (CalRecycle 2019). Therefore, the Proposed Project would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. Additionally, operation of the Project would not appreciably change solid waste generation compared with existing conditions, as the nature and frequency of operation and maintenance activities at the dam would be similar for the gravity dam as for the existing arch dam. Therefore, the Proposed Project would result in less than significant impacts related to solid waste and landfill facilities, and no mitigation would be required. (Draft EIR, pp. 3.14-5 through 3.14-6.)

5. Solid Waste Laws

Threshold: Will the Project comply with federal, state, and local statutes and regulations related to solid waste?

Finding: Less than significant. (Draft EIR, p. 3.14-6.)

Explanation: Solid waste practices in California are governed by multiple federal, State, and local agencies that enforce legislation and regulations ensuring that landfill operations minimize impacts to public health and safety and the environment. The Project site is located within Riverside County Department of Waste Resources' (RCDWR) service area. An important part

of RCDWR's mission is to apply sound environmental practices to ensure compliance with these regulations. Additionally, RCDWR has adopted a Countywide Integrated Waste Management Plan (CIWMP) that requires countywide facilities to meet the 15-year capacity requirements. RCDWR is also obligated to obtain a Solid Waste Facilities Permit, a Storm Water Discharge Permit, and permits to construct and operate gas management systems and meet Waste Discharge Requirements. The Local Enforcement Agency (LEA), the SCAQMD, and the RWQCB enforce landfill regulations related to health, air quality, and water quality, respectively. The Proposed Project would not inhibit RCDWR's compliance with the requirements of each of the governing bodies. The California Integrated Waste Management Act (AB 939) changed the focus of solid waste management from landfill to diversion strategies such as source reduction, recycling, and composting. The purpose of the diversion strategies is to reduce dependence on landfills for solid waste disposal. AB 939 established mandatory diversion goals of 25 percent by 1995 and 50 percent by 2000. CalRecycle tracks and monitors solid waste generation rates on a per capita basis. As described in Threshold 3.14.4, the majority of demolition debris from the proposed dam would be stored on site for potential reuse. Waste materials not suitable for reuse would be transported to the nearest landfill, Lamb Canyon Landfill (or other permitted facility with capacity). As the Proposed Project is the replacement of an existing dam, waste generation during operation would remain similar to existing conditions. Therefore, the Proposed Project would comply with federal, State, and local statutes and regulations related to solid waste, and no mitigation would be required. (Draft EIR, p. 3.14-6.)

T. WILDFIRE

1. Response Plans

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

Finding: Less than significant. (Draft EIR, p. 3.15-10 and Appendix A of the Draft EIR, p. 3-39.)

Explanation: The Project area and its immediate surroundings are classified as very high to high fire hazard severity zones. The Project would allow the District to increase the amount of water stored in Vail Lake by increasing the reservoir level to the spillway elevation, and updates to the emergency response plan may be required to address the expansion of the potential inundation area in

the event of catastrophic dam failure (refer to Response 3.9.f in Section 3.9, Hazards and Hazardous Materials, for a discussion of consistency with emergency plans). Project construction and operation would not introduce new barriers or constraints on emergency response or evacuation, as the dam access roads would not typically be used for evacuation except for the District and construction personnel. The Project would not require or result in any long term or permanent lane closures on roadways adjacent to the site. Therefore, no significant impacts would occur, and no mitigation is required. (Draft EIR, p. 3.15-10 and Appendix A of the Draft EIR, p. 3-39.)

2. Pollutant Concentrations

Threshold: Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?

Finding: Less than significant. (Draft EIR, p. 3.15-10.)

Explanation: Topography influences the movement of air, thereby directing a fire course. Wind events magnify the risks of wildfire and have the potential to expose inhabitants of the surrounding ranch properties and recreational/campground users to elevated pollutant concentrations from a wildfire and the uncontrolled spread of wildfire from the surrounding open space areas, including the Cleveland National Forest to the south of the Project site and the largely undeveloped areas surrounding Vail Lake. The Project site is located in a remote, largely undeveloped portion of unincorporated Riverside County. The terrain on the Project site and within the surrounding vicinity of Vail Lake includes nearly flat stream valleys, step-like alluvial fan and terrace deposits, canyons, steep-sided river gorges, and moderate to steep mountain slopes. The topography slopes in all directions from various peaks and canyons in the vicinity of the lake. Vail (Oak) Mountain is located on the western portion of the property. As previously stated, the Project site and surrounding areas are located within a mixture of moderate, high, and very high Fire Hazard Severity Zone (FHSZ) in an State Responsibility Area (SRA) (CAL FIRE 2020). The Project is the remediation of seismic and hydrologic hazards at Vail Dam. Construction would substantially alter localized topography at the site of the proposed gravity dam; however, this is not anticipated to affect prevailing winds or otherwise exacerbate wildfire risks as the topographic changes would be generally confined to the proposed dam and abutments and the realigned South Access Road. During construction, additional workers would be within areas classified as high to very high FHSZs. Project construction activities would use vehicles and machinery that have

the potential to spark a fire in the area, which could expose workers and residents in neighborhoods to the west of the Project site to fire-related pollutants. During operations and maintenance, potential ignition sources such as vehicles and gas- or electric-powered small hand tools and maintenance equipment may be used, similar to the existing operations of Vail Dam. The Project does not include habitable structures; therefore, the Project is not anticipated to expose any Project occupants to pollutant concentrations from a wildfire. As detailed in Regulatory Compliance Measure RCM FIRE-1, the Proposed Project would adhere to the County's Fuel Hazard Abatement Program to minimize ignition sources on the Project site and to reduce the unlikely chance of wildfire on the Project site. The Fuel Hazard Abatement Program specifies the removal and proper disposal of noxious vegetation sources, including native tree brush and chaparral. Furthermore, the proposed development would result in clearing, grading, and revegetation according to Riverside County Fire Department (RCFD)/CAL FIRE requirements, resulting in the unavailability of vegetative/ combustible materials in areas of the Project site that would be particularly vulnerable to wildfire spread from the native vegetation within the vicinity of Vail Dam. Furthermore, the Project would comply with comprehensive safety measures in compliance with federal, State, and regional worker safety and fire protection codes and regulations, which would minimize the occurrence or spread of wildfire during construction and operation of the Proposed Project. Therefore, the Proposed Project would not exacerbate wildfire risks due to slope, prevailing winds, location, and other factors, with implementation of Regulatory Compliance Measure RCM FIRE-1, and no mitigation is required. (Draft EIR, pp. 3.15-10 through 3.15-11.)

3. Infrastructure Risks

Threshold: Would the Project require the installation or maintenance of associated infrastructure (such a roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Finding: Less than significant. (Draft EIR, p. 3.15-11.)

Explanation: Utility and infrastructure improvements included as part of the Project are described in the Utilities and Service Systems Chapter of the EIR. These improvements include modifications to existing power line infrastructure to provide electricity to the new gravity dam facilities. Generally, utilities including water facilities and storm drain lines that would be modified and/or extended throughout the Project site would be underground and

would not exacerbate fire risk. However, above-ground power lines would have the potential to exacerbate fire risks associated with sparking in the event of damage to the lines or transformers. The Project site is located within SCE's electricity delivery jurisdiction. When there are potentially dangerous weather conditions, SCE turns off power in high fire risk areas to reduce the threat of wildfires. The Project site is in an area where power can be shut off by SCE, thus reducing potential for wildfire starting and spreading throughout the Project site. During and following construction, Vail Lake would also remain available as an emergency water source. Additionally, Project design and implementation of utility improvements would be reviewed and approved by the RCFD/CAL FIRE to ensure the Proposed Project is compliant with all applicable fire codes, design standards, and regulations. Furthermore, as specified in the Project Description, improvements would be required to the existing access roads to accommodate construction traffic. These include Secondary Entry Road, the access road from De Portola Road (an existing, paved road) to the mouth of the canyon, the North Access Road, the Canyon Access Road, and the South Access Road (which connects to State Route 79), as well as construction of the proposed Primary Entry Road (50 Acre Parcel) (see Figure 2-11). These roadway improvements would accommodate construction traffic and would provide potential evacuation routes in the event of a wildfire, and therefore would not exacerbate fire risk. Therefore, the Proposed Project would not require the installation or maintenance of associated infrastructure (e.g., roads, fuel breaks, emergency water sources, power lines, or other utilities) that would exacerbate fire risk or result in temporary or ongoing impacts to the environment. There would be no temporary or ongoing impact to the environment, and no mitigation would be required. (Draft EIR, pp. 3.15-11 through 3.15-12.)

4. Runoff Risks

Threshold: Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Finding: Less than significant. (Draft EIR, p. 3.15-12.)

Explanation: **Landslides.** Landslides and other forms of mass wasting, including mud flows, debris flows, and soil slips, occur as soil moves downslope under the influence of gravity. Landslides are frequently triggered by intense rainfall or seismic shaking but can also occur as a result of erosion and downslope runoff caused by rain following a fire. According to the Geotechnical Data Report (AECOM 2021), recent and ancient landslides are mapped along the

alignment of the proposed North Access Road. However, the minor grading proposed to modify the existing road is not considered sufficient to trigger landslide movement. Further, an engineering geologist would be present during construction grading activities to identify any unfavorable geologic conditions so that they would be avoided, if present. The Project would adhere to the County's Fuel Abatement Program (Regulatory Compliance Measure RCM FIRE-1). Adherence to this measure would reduce the likelihood of urban conflagration on the Project site in the unlikely event of a wildfire. Additionally, the Project site is only susceptible to landslide by the proposed North Access Road. With implementation of Regulatory Compliance Measure RCM FIRE-1, a less than significant impact would occur related to exposure of people or structures to significant risks, including downslope landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Flooding. According to the FEMA Flood Insurance Rate Map (FIRM) No. 06065C2745G, No. 06065C2775G, No. 06065C3310G, and No. 06065C3350G (December 28, 2009), the Project site is located within Zones A, X, and D (FEMA 2020). The Primary Entry Road (50 Acre Parcel), Secondary Entry Road, Pond Access Road, and a small westernmost portion of the North Access Road and the Canyon Access Road are within Zone A, which is classified as an area subject to inundation by the 1- percent-annual-chance flood event. A portion of the North Access Road and the Canyon Access Road would be located within Zone X, which is classified as an area of minimal flood hazard. The majority of the Project site, including the South Access Road and the majority of the North Access Road and the majority of the Canyon Access Road, lies within Zone D, an area of undetermined flood hazard (refer to Figure 3.8-2). As described in Section 3.8, Hydrology and Water Quality, during construction activities, soil would be exposed and disturbed, drainage patterns would be temporarily altered, and there would be an increased potential for flooding compared to existing conditions. As specified in Regulatory Compliance Measure RCM WQ-1, construction Best Management Practices (BMPs), such as Erosion Control and Sediment Control BMPs, would target and reduce pollutants of concern in stormwater runoff during construction. In addition, the Proposed Project includes proposed operational BMPs and Low Impact Development (LID) principles (i.e., the energy dissipater basin) that would be adequately sized and designed to reduce the negligible increase in stormwater runoff (less than a 1 percent increase). With incorporation of Regulatory Compliance Measures RCM WQ-1 and RCM WQ-3, the Proposed Project would not expose people or structures to significant risks, such as flooding, as a result of runoff, post-fire slope

instability, or drainage changes. In the event of a wildfire, these measures would be applied to post-fire conditions. Therefore, the Project would not result in impacts to Project occupants related to post-wildfire flooding risks. No mitigation is required. (Draft EIR, p. 3.15-12.)

Regulatory Compliance Measures

RCM FIRE-1 Fuel Hazard Abatement Program. Section 8.56.010 of Chapter 8.56 of Title 8 of the Riverside County Municipal Code establishes a hazardous vegetation abatement program to protect the lives and property of the citizens of Riverside County. The program requires all property owners to maintain their property and remove noxious vegetation and other hazardous conditions to prevent wildfires. The District shall maintain the Project site in accordance with the Fuel Hazard Abatement Program. Construction and operational impacts related to wildfire would be less than significant. No mitigation is required. (Draft EIR, pp. 3.15-12 through 3.15-13.)

SECTION III.
IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

The District hereby finds that Mitigation Measures have been identified in the EIR and these Findings that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. All sections, tables, figures, and references mentioned herein refer to the Draft EIR unless otherwise specified. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

A. AIR QUALITY

1. Cumulatively Considerable Pollutant Emissions

Threshold: Would the Project result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.1-21.)

Explanation: The Basin is currently designated nonattainment for the federal and State standards for O3 and PM2.5. In addition, the Basin is in nonattainment for the PM10 standard. The Basin's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a

cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, the SCAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is not necessary. The following analysis assesses the potential project-level air quality impacts associated with construction and operation of the Proposed Project.

Construction Air Quality Impacts. Due to the nature of the Proposed Project, most air quality impacts would occur during construction due to the release of particulate emissions generated by material handling activities and fugitive sources. Emissions from construction equipment are also anticipated and would include VOCs, NOX, CO, sulfur oxides (SOx), PM2.5, and PM10. Construction of the Proposed Project would occur in 14 phases, including the following: Phase 1: Mobilization Layout Work for the New Concrete Gravity Dam; Phase 2: Access Road and Staging Areas; Phase 3: Demolition of Facilities at the New Dam; Phase 4: Foundation Excavation; Phase 5: Temporary Energy Dissipation Vault; Phase 6: Armor Spillway; Phase 7: Foundation Treatment and Grouting; Phase 8: Roller-Compacted Concrete Placement; Phase 9: Outlet Tower; Phase 10: Dam Drainage Facilities; Phase 11: Dam Instrumentation; Phase 12: Permanent Energy Dissipation Vault; Phase 13: Demolition of the Existing Facilities; and Phase 14: Site Reclamation and Demobilization. Each phase of construction would generate emissions associated with equipment operations, truck traffic, material handling, stationary sources, and fugitive dust emissions. Fugitive dust emissions are generally associated with land clearing and exposure of soils to the air and wind, as well as cut-and-fill grading operations. Dust generated during construction varies substantially on a project-by-project basis, depending on the level of activity, the specific operations, and weather conditions at the time of construction. The Proposed Project would be required to comply with SCAQMD Rule 403 to control fugitive dust. During construction of the Proposed Project, best available control measures identified in Rule 403 would be required to minimize fugitive dust emissions from proposed earth-moving and grading

activities. These measures would include site prewatering and rewatering as necessary to maintain sufficient soil moisture content. All access roads, including the Primary Entry Road, Secondary Entry Road, Pond Access Road, and Canyon Access Road, would be watered at least 3 times daily during active construction to reduce dust impact to nearby sensitive receptors, including nearby residential units and horse ranches. The dust-control methods for the Proposed Project would be specified in the dust-control plan that must be submitted to the SCAQMD per Rule 403. In addition to dust-related PM10 emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate VOCs, NOx, CO, SOx, and some soot particulate (PM2.5 and PM10) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles idle in traffic. These emissions would be temporary in nature and limited to the immediate area surrounding the construction site. The District has developed a detailed Project construction schedule that provides heavy equipment estimates, personnel requirements, truck traffic estimates, and estimates of required grading/materials handling/import/export for each of the individual construction stages of the Proposed Project. Emission estimates have been prepared for each phase of construction listed above to evaluate the maximum construction emissions. To evaluate the maximum daily and total construction emissions for the Project, the construction schedule, which provides month-by-month estimates of Project construction and equipment requirements, was used to develop calculations of total emissions from the individual components of the Project that will be undergoing construction simultaneously. Emission estimates were based on emission factors from CARB's OFF-ROAD2017 model and equipment ratings and load factors from the SCAQMD's CEQA Air Quality Handbook (SCAQMD 1993). The analysis utilizes emission factors from CARB's OFF-ROAD model and EMFAC2017 for off-road equipment and on-road vehicles, respectively. In addition, emission factors for aggregate processing, rock blasting, and additional sources of fugitive dust were determined based on methodology found in the EPA's AP-42 (EPA 2011), and the CEQA Air Quality Handbook (SCAQMD 1993). The emission factors that were developed for each piece of equipment are multiplied by maximum number of hours that a piece of equipment could operate in 1 day or in 1 year to estimate worst-case emissions. Peak daily and annual emissions were calculated based on the emission factors provided by the Environmental Protection Agency (EPA), CARB, and the SCAQMD, and construction data were provided by the design engineers (AECOM 2020). The quantity of emissions generated would depend on how much aggregate would be excavated, the equipment used, the dam construction area layout,

and how far vehicles would travel to transport aggregate and concrete material. This analysis assumes maximum allowable quantities would be moved and is based on the estimated emissions for the equipment to be used. The emission calculations were based on the assumption that equipment would be operating on site between the hours of 6:00 a.m. and 5:00 p.m. for an average of 8 hours per day, 5 days per week. For the roller compacted concrete placement activities, it is assumed that the equipment will be operating 16 hours per day, 6 days a week for up to 12 weeks. Emission rates for employee vehicles and heavy truck operations were developed from SCAQMD references available at http://www.aqmd.gov/ceqa/hdbk.html. EMFAC2017 emission factors for the 2023 calendar year were assumed to be the worst-case emission rates for on-road vehicle emissions. For off-road equipment engines, consistent with the CARB's off-road emission regulations promulgated in the CCR Title 13 Section 2423, all off-road construction equipment would be required to meet the minimum application of EPA Tier 2 engines and install CARB-approved diesel particulate filter devices to control and minimize emissions. Project-specific construction emission analysis is broken into subsections and is detailed in Table 3.1.F. In addition, analysis is also provided for overlapping phases in Table 3.1.G. Table 3.1.F presents a summary of construction emissions (i.e., equipment and fugitive dust) for each individual phase of the Proposed Project. To evaluate the maximum daily and total annual construction emissions for the Proposed Project, the construction schedule, which provides week-by-week estimates of Project construction and equipment requirements, was used to develop calculations of total emissions from the individual phases of the Proposed Project that would be undergoing construction simultaneously. The construction schedule drafted by AECOM indicated which construction phases would likely be conducted simultaneously. Because it is necessary to estimate maximum daily construction activity to estimate maximum daily emissions associated with Project construction, the construction schedule was consulted to identify the time period in which the maximum simultaneous construction activity would occur. Based on the construction contractor's proposed schedule, the maximum activity would occur during Phases 8, 9, and 10 of construction, assumed to be in the year 2023. To address a maximum daily emissions scenario, the schedule was reviewed and the maximum construction scenario was identified, in which the following construction phases would overlap and occur during Phase 8 (Roller-Compacted Concrete Placement), Phase 9 (Outlet Tower), and Phase 10 (Dam Drainage Facilities). Table 3.1.G presents a summary of maximum peak daily construction emissions. As shown in Tables 3.1.F and 3.1.G, construction emissions associated with the Proposed Project would not

exceed the SCAQMD thresholds for VOC, CO, SOX, PM10, and PM2.5. However, as identified in Table 3.1.G, daily regional construction emissions would exceed the daily SCAQMD thresholds for NOX during overlapping phases of Project construction. Therefore, construction of the Proposed Project could result in emissions that would result in a cumulatively considerable net increase of a criteria pollutant for which the Project is in nonattainment under an applicable federal or State ambient air quality standard. Therefore, construction-related air quality impacts would be potentially significant, and mitigation would be required. Mitigation Measure AQ-1, which requires all off-road construction equipment to meet EPA Tier 4 engine standards or equivalent, would reduce Project construction-related NOx emissions to a less than significant level.

Fugitive Dust Emissions. In addition to the construction period thresholds of significance, the Proposed Project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. With compliance with SCAQMD Rule 403, fugitive dust impacts to nearby sensitive receptors, including nearby residential units and horse ranches, would be reduced to a less than significant level.

Blasting Emissions. During the dam foundation excavation phase, blasting of hard rock will occur as part of the excavation. Based on the information from AECOM, it was estimated that approximately 34,000 cubic yards of rock material will need to be blasted. With the explosive factor of 1.0 pound of dynamite per cubic yard of rock blasted, it is assumed that approximately 17 tons of dynamite would be utilized. There will be no more than five blasts per day, up to a 5-month period, and the acreage blasted at any one time can range from one-sixteenth of an acre to one-half of an acre. In order to assess the potential impacts on ambient air quality of blasting activities, the EPA AP-42 emission factors were used to assess the impact of gases released during the blast. The gaseous pollutants created by the explosives (i.e., CO, NO2, and SO2) were calculated. Particulate emissions associated with blasting (i.e., dust created by physical agitation of soil and rock and combustion-related particulates) are already included in the on-site Project activities discussed in the preceding sections. Particulate impacts from blasting were calculated with the AP-42 emission factors as discussed previously. The blasting emission results are contained in Appendix B of the Draft EIR. Blasting at the site would be conducted using dynamite. The

EPA has published emission factors for dynamite explosives in AP-42, Chapter 13.3 Explosive Detonation (EPA 1995). The emission factors are 104 pounds of CO per ton of dynamite, 53 pounds of NOX (assumed NO2) per ton of dynamite, and 1 pound of SO2 per ton of dynamite exploded. The Proposed Project's blasting activities would occur approximately eight times per day, and each blast will use 37.6 pounds of dynamite. (The value of 10 blasts per day is the maximum.) The blasting impacts were not added to the point of maximum impacts (PMI) of operational activities because they occur at the dam construction location, approximately 12,000 ft (2.2 miles) east from the nearest sensitive receptor (i.e., NexStar Ranch). There is also the possibility that some gases could be trapped below the surface and migrate through cracks or fissures below ground. Carefully designed blasting patterns would minimize the potential for trapped gases. In addition, the geology of the proposed quarry is not conducive to such migration. Finally, the blasting would occur at a considerable distance from any residences or other structures that could be impacted. Thus, there would not be potential adverse effects from potential underground migration of blasting gases. In addition to the CO, NO2, and SO2 emissions identified by the EPA in AP-42, Chapter 13.3, there is a possibility of some of the dynamite not being completely combusted in the blast. However, none of the dynamite is listed as an air toxic in California or by the EPA. Furthermore, carefully designed blasts would consume all of the dynamite. Therefore, potential adverse impacts related to blasting combustion are considered to be less than significant. A common method of dust control for blasting operations is to wet down the entire blasting area prior to initiating the blast. This procedure minimizes dust being entrained into the air from the blasting activity by allowing it to adhere to the wet surfaces (NIOSH 2012). Because these standard practices would be applied as control measures, it is unlikely that airborne dust from blasting would be a cause of concern. Therefore, impacts would be less than significant.

Operational Air Quality Impacts. Long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity), and area sources (e.g., landscape maintenance equipment use). Once the new dam is fully operational, potential air quality impacts would be associated with routine maintenance and operation of the Vail Dam reservoir, and recreational use at the site. Motor vehicles and boats would be the primary source of emissions associated with reservoir operations. Operational and maintenance activities would include monitoring reservoir levels and outlet discharges, monitoring dam instrumentation, maintaining appropriate records, and maintaining mechanical and electrical equipment according to the equipment

manufacturers' requirements. Power would be used for lighting, security cameras, gate actuators, trash rack hoists, and monitoring and control systems. However, energy emissions would be minimal and would not exceed thresholds established by the SCAQMD. In addition, these activities would not result in additional employees or maintenance requirements compared to operation of the existing dam. Employee traffic for reservoir operations would not be appreciably different than the existing condition scenario. Therefore, once operational, implementation of the Proposed Project would not result in an increase in air pollutant emissions. Operation of the Proposed Project would not result in emissions that would result in a cumulatively considerable net increase of any criteria pollutant for which the project is in nonattainment under an applicable federal or State ambient air quality standard. Therefore, no air quality impacts associated with Project operation would occur.

Long-Term Microscale (CO Hot Spot) Analysis. Construction-related vehicular trips associated with the Proposed Project would contribute to congestion at intersections and along roadway segments in the Project vicinity. Localized air quality impacts could occur when emissions from vehicular traffic increase as a result of the Proposed Project. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited; under normal meteorological conditions, it disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly, and hospital patients). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient background CO concentrations, modeling is recommended to determine a project's effect on local CO levels. An assessment of Project-related impacts on localized ambient air quality requires that future ambient air quality levels be projected. Existing CO concentrations in the immediate Project vicinity are not available. Ambient CO levels monitored at the Lake Elsinore Monitoring Station, the closest station with complete monitored CO data, showed a highest recorded 1-hour concentration of 1.6 ppm (the State standard is 20 ppm) and a highest 8-hour concentration of 0.8 ppm (the State standard is 9 ppm) during the past 3 years (Table 3.1.D). The highest CO concentrations would normally occur during peak traffic hours; hence, CO impacts calculated under peak traffic conditions represent a worst-case analysis. n 2007, the SCAQMD was designated as in attainment for CO under both the California Ambient Air

Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). As identified within the SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide, peak CO concentrations in the Basin were a result of unusual meteorological and topographical conditions and not a result of congestion at a particular intersection. A CO hot spot analysis was conducted at four busy intersections in the Basin at the peak morning and afternoon periods and did not predict a violation of CO standards. Since the SCAQMD modeled intersections do not exceed the CO standards, all intersections within the Proposed Project area with less volumes of traffic and under less extreme conditions would not exceed the CO standards. Conditions with implementation of the Proposed Project are expected to be similar to those under existing conditions, as the Project would not result in additional employees or maintenance requirements. Therefore, implementation of the Proposed Project would not increase the volume of traffic required to generate a CO hot spot. Given the extremely low level of CO concentrations in the Project area and the lack of traffic impacts at any surrounding intersections, the Project is not expected to contribute significantly to CO concentrations exceeding the State or federal CO standards. Because no CO hot spot would occur, Project-related impacts on CO concentrations would be less than significant.

Long-Term Microscale (CO Hot Spot) Analysis. The Proposed Project is located in Riverside County, which is among the counties found to have serpentine and ultramafic rock in their soils (CDC 2019). However, according to the California Geological Survey, no such rock has been identified in the Project vicinity. Therefore, the potential risk for naturally occurring asbestos during Project construction is negligible. No impact would occur. (Draft EIR, pp. 3.1-21 through 3.1-29.)

Mitigation Measures

MM AQ-1: During construction of Phase 8, Phase 9, and Phase 10, all off-road construction equipment shall meet the minimum application of EPA Tier 4 engine standards or equivalent. The Construction Contractor shall provide documentation of compliance with this measure, which will be verified by the District's Resident Engineer or designee. With the utilization of Tier 4 diesel-powered construction equipment during construction of the Proposed Project, all criteria pollutants would be below the SCAQMD thresholds. Accordingly, implementation of the Tier 4 mitigation would reduce the Proposed Project's construction-related impacts to below a level of significance. Construction-related emissions would not exceed the SCAQMD thresholds for any criteria pollutant during construction after mitigation. Therefore, impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.1-34 through 3.1-34.)

B. BIOLOGICAL RESOURCES

1. Sensitive Species

Threshold: Would the Project 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.2-43.)

Explanation: The USFWS and CDFW may list species as threatened or endangered under the Federal and California Endangered Species Acts, respectively. The USFWS can designate critical habitat that identifies specific areas, either occupied or unoccupied, that are essential to the conservation of a federally listed species. Critical habitat areas may require special management considerations or protections. The USFWS and CDFW have issued permits for the take of most threatened and endangered species within the MSHCP area. The MSHCP covers impacts to these species. However, if a project has the involvement of a federal agency, that agency is required to address impacts to listed species and critical habitat by consulting with the USFWS. The USFWS has indicated in the permit issued for the MSHCP that, in such cases, the consultation will be expedited and that no restrictions will be imposed on the project beyond those specified in the MSHCP. Mitigation Measures BIO-1, BIO-2, and BIO-3 require the District to obtain Take Authorization for impacts to listed species as a PSE under the MSHCP, comply with the MSHCP Standard BMPs (Regulatory Compliance Measures RCM BIO-1 through RCM BIO-15), and prepare and implement a revegetation plan to restore temporary impact areas.

Critical Habitat. Critical habitat for Quino checkerspot butterfly and coastal California gnatcatcher occurs adjacent to the Project site (USFWS 2009, USFWS 2007). Critical habitat for arroyo toad is located in the Arroyo Seco Creek, Temecula Creek, and Wilson Creek drainages upstream of Vail Lake (USFWS 2011). Figure 3.2-3 depicts the location of critical habitat relative to the Project site. The Project would not affect adjacent critical habitat for Quino checkerspot butterfly or coastal California gnatcatcher. Project activities within mapped arroyo toad critical habitat are limited to access for construction equipment along existing roads and would not affect this species.

Threatened or Endangered Species. Least Bell's vireo and southwestern willow flycatcher were detected during focused surveys in 2020. These species are considered fully covered and adequately conserved under the MSHCP. Twelve of the sixteen least Bell's vireo observations were in riparian scrub to the east of Vail Lake, associated with the Wilson Creek and Temecula Creek drainages. Within or in proximity to the Project impact area, least Bell's vireo was detected primarily in riparian scrub along the Canyon Access Road near staging and laydown areas. Suitable habitat (riparian scrub) within the Project footprint is presumed to be occupied. As noted in Table 3.2.D, the Project would result in 1.10 acre of permanent impacts and 5.92 acres of temporary impacts. This suitable habitat has long-term conservation value for least Bell's vireo and will be addressed in the DBESP prepared pursuant to Mitigation Measure BIO-1. Mitigation Measures BIO-4 and BIO-5 would avoid and minimize impacts to nesting birds generally and least Bell's vireo specifically. Southwestern willow flycatcher was detected in riparian scrub habitat at one location along Temecula Creek, upstream of Vail Lake (not within the Project site). The breeding status of this individual was undetermined; however, the Project would not result in direct impacts to riparian scrub habitat outside of the Project site. Therefore, no impacts to this species are anticipated. Seven Nevin's barberry will be affected as part of Project activities within the Project site, located just downstream of Vail Lake Dam. This species is considered fully covered and adequately conserved under the MSHCP. Impacts to Nevin's barberry are subject to mitigation in a Determination of Biologically Equivalent or Superior Preservation (DBESP), which will be prepared in accordance with Mitigation Measure BIO-1. Mitigation would include replacing the affected plants at a minimum 10:1 ratio in suitable habitat outside of the Project impact limits as set forth in Mitigation Measure BIO-6. No impacts are anticipated to the 304 individuals observed upstream of the dam, as these are not within the Project impact area. In the event that additional Nevin's barberry become established adjacent to the Project site prior to construction, implementation of Mitigation Measure BIO-6 would avoid indirect impacts to Nevin's barberry. Arroyo toad was detected during the 2020 protocol surveys upstream of Vail Lake. No evidence of arroyo toad was detected within the area downstream of Vail Dam. Construction of the Project would not result in permanent or temporary impacts to any locations where arroyo toad was detected during surveys. Therefore, no impacts to this species are anticipated, and no mitigation is required. Tricolored blackbird and coastal California gnatcatcher were observed on the Project site. Impacts to these species would include temporary loss of habitat and indirect impacts from noise, dust, and increased human activities. The Project site contains suitable

habitat for Quino checkerspot butterfly. Impacts to Quino checkerspot butterfly would include temporary and permanent loss of larval habitat (Riversidian sage scrub with suitable food plants) as well as potential direct mortality of individuals during vegetation clearing and construction. All three of these species are fully covered and adequately conserved under the MSHCP. Mitigation Measures BIO-1, BIO-2, and BIO-3 address compliance with the MSHCP and the restoration of habitat following construction, and Mitigation Measures BIO-4 and BIO-5 address avoidance and minimization of impacts to nesting birds in general and coastal California gnatcatcher specifically. No further mitigation is required for impacts to these species. Bald eagle was observed within the Biological Study Area (BSA) during 2020 surveys. Suitable nesting habitat for this species is limited to areas around Vail Lake and does not occur within the Project impact area. Impacts to this species are not anticipated, and this species is fully covered and adequately conserved under the MSHCP. No further mitigation is required for impacts to this species. Suitable habitat for Stephens' kangaroo rat occurs within the Project impact area, particularly along the Pond Access Road, and this species has a high potential to occur. Impacts to this species would include temporary and permanent habitat loss, potential direct mortality during construction, and disruption due to increased human activity during construction. This species is covered under the SKR HCP and the MSHCP, and compliance with the plans as outlined under Regulatory Compliance Measures RCM BIO-1 through RCM BIO-17 and Mitigation Measures BIO-1 through BIO-3 will provide adequate mitigation for impacts. In summary, all of the threatened or endangered species with the potential to be affected by the Proposed Project are considered fully covered and adequately conserved under the MSHCP and/or SKR HCP. Compliance with these plans as outlined under Regulatory Compliance Measures RCM BIO1 through RCM BIO-17 and Mitigation Measures BIO-1 through BIO-6 will reduce impacts to a level below significance.

Other Special-Status Species Covered Under the MSHCP. Other special-status species covered under the MSHCP may occur on the Proposed Project site. The CDFW, USFWS, local agencies, and special interest groups, such as the California Native Plant Society (CNPS), maintain lists of species that they consider to be in need of monitoring. Legal protection for special-status species varies widely. Special-status species that were observed or that were determined to have a moderate or high likelihood of occurrence on the Project site and that are fully covered and adequately conserved under the MSHCP are listed in Table 3.2.B. Of the covered species that may occur, only burrowing owl has specific

mitigation requirements identified in the MSHCP. Mitigation Measures BIO-1, BIO-2, and BIO-3 address compliance with the MSHCP and the restoration of habitat following construction, and Mitigation Measures BIO-4 and BIO-5 address avoidance and minimization of impacts to nesting birds. No further mitigation is required for impacts to these species. Suitable habitat for burrowing owls occurs within the BSA. Areas suitable for burrowing owl include areas mapped as disturbed, non-native grassland, and bare ground. No burrowing owls, burrowing owl sign, or burrows or similar features suitable for burrowing owl occupation were identified in the survey areas, and impacts to this species are unlikely. However, because habitat suitable for burrowing owl is present, and because burrowing owl could occupy the site prior to construction, a pre-construction burrowing owl survey will be required no more than 30 days prior to ground disturbance as set forth in Mitigation Measure BIO-7. Compliance with Regulatory Compliance Measures RCM BIO-1 through RCM BIO-17 and Mitigation Measures BIO-1 through BIO-5 and BIO-7 will reduce impacts to these species to a level below significance.

Other Special-Status Species Not Covered Under the MSHCP. Special-status species with a moderate or high potential to occur within the Project area that are not covered under the MSHCP are listed in Table 3.2.C. Both chaparral sand-verbena and white rabbit tobacco were detected on the Project site. Approximately 100 chaparral sand-verbena and approximately 1,500 white rabbit tobacco individuals are anticipated to be impacted during Project activities. Since white rabbit tobacco is a perennial herb, individuals may also be translocated to areas outside the impact area. Mitigation Measure BIO-3 requires the preparation and implementation of a habitat restoration plan, which would include locally collected seeds or cuttings of sensitive plant species that would be cleared as a result of the Project. Special status reptile species not covered by the MSHCP may be present on the Project site; two-striped garter snake was detected during surveys. Impacts to reptile species include temporary loss of habitat and indirect impacts from noise, dust, and increased human activities, as well as direct mortality during vegetation clearing and construction. Special-status birds not covered by the MSHCP may be present on the site; lark sparrow, great egret, snowy egret, least bittern, Lawrence's goldfinch, Nuttall's woodpecker, summer tanager, and black-chinned sparrow were observed during surveys. Impacts to bird species include temporary loss of habitat and indirect impacts from noise, dust, and increased human activities. Impacts to nesting birds would be avoided and minimized with implementation of Mitigation Measure BIO-4. Direct loss of non-nesting birds is not anticipated as these species are highly mobile and capable of

dispersing. Special-status mammals not covered by the MSHCP that were observed during surveys include several bat species and Dulzura pocket mouse. Impacts to these species would include temporary loss of habitat and indirect impacts from noise, dust, and increased human activities, as well as potential direct mortality during vegetation clearing and construction as individuals might be below ground or roosting. Dulzura pocket mouse has a moderate probability of occurrence and was not detected during mammal surveys. It is unknown whether this species occurs within the Project impact area. Impacts to a relatively small area of potentially suitable habitat adjacent to existing disturbed areas would not be significant as they would not substantially affect the overall availability of suitable habitat in the vicinity of the Project. Several species of bats were detected within the Project area, and it is likely that roosts are present. California Fish and Game Code Section 4150 prohibits "take" of bat species. Impacts to maternal roosts during the breeding season or to roosting sites during the day could result in direct "take;" however, Mitigation Measure BIO-11 would avoid and minimize impacts to roosts. Mitigation Measure BIO-13 requires delineation of environmentally sensitive areas adjacent to the Project impact area to avoid impacts to nearby sensitive resources. Mitigation Measure BIO-3 requires revegetation of temporary impact areas, restoring potentially suitable habitat. With implementation of Mitigation Measures, along with implementation of the MSHCP Standard BMPs included as Regulatory Compliance Measures, impacts to special-status bats would be less than significant. Although the species discussed in this section are not covered under the MSHCP, implementation of MSHCP Standard BMPs included as Regulatory Compliance Measures and Mitigation Measures BIO-1 through BIO-4 and BIO-11 through BIO-13 would avoid and/or minimize impacts to these species and their habitats. With implementation of these measures, impacts to special-status species not covered under the MSHCP would be less than significant. (Draft EIR, pp. 3.2-43 through 3.2-47.)

2. Riparian Habitat

Threshold: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.2-47.)

Explanation: Riparian habitats, oak woodlands, and vernal pools are among the natural communities of interest to the CDFW. Riparian habitats including alluvial fan sage scrub, riparian scrub, and riparian forest occur within the survey area. However, only alluvial fan sage scrub and riparian scrub are anticipated to be impacted as part of Project activities. Impacts to alluvial fan sage scrub consist of 14.31 acres of temporary impacts; impacts to riparian scrub include 5.92 acres of temporary impacts and 1.10 acre of permanent impacts. These two natural communities of interest are considered riparian/riverine under the MSHCP. The preparation of a DBESP will be required for impacts to MSHCP riparian/riverine (see Mitigation Measure BIO-1), which will provide appropriate mitigation to be approved by the resource agencies. Implementation of Mitigation Measure BIO-3 includes revegetation of temporary impact areas with appropriate native vegetation. Compliance with the requirements in Mitigation Measures BIO-1, BIO-2 (requiring adherence to Regulatory Compliance Measures RCM BIO-1 through RCM BIO-17), and BIO-3 will address impacts to riparian/riverine areas. Mitigation Measures BIO-8 through BIO-10 address the need for the District to obtain permits from regulatory agencies, which will require compensatory mitigation for permanent impacts to jurisdictional areas. Implementation of Mitigation Measures and Regulatory Compliance Measures RCM BIO-1 through RCM BIO-17 will reduce impacts to sensitive natural communities to a level below significance. (Draft EIR, p. 3.2-47.)

3. Wetlands

Threshold: Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.2-48.)

Explanation: Permanent and temporary impacts would occur to potential waters of the U.S., waters of the State, and CDFW jurisdiction. Most of these are located along the Temecula Creek drainage downstream of Vail Dam, although a small area of open water on Vail Lake would be temporarily affected, and the seasonal pool along the North Access Road (waters of the State) would be permanently affected (see Figure 3.2-5). Impacts associated with the Dam Construction Area and North Access Road would be permanent. Impacts to jurisdictional areas associated with the temporary widening of the Canyon Access Road (including turnouts), Staging and Laydown Areas, and portions of the South Access Road Construction Area would be

temporary, with impact areas restored to approximate pre-construction contours and revegetated. The South Access Road realignment would include a manufactured slope downstream of the dam that would result in permanent impacts to wetland and non-wetland waters of the U.S, wetland waters of the State, and CDFW riparian areas. The area affected consists of the Temecula Creek drainage downstream of the existing dam. After construction, water would still be released from the dam into Temecula Creek, but the streambed/channel alignment would shift 38 ft to the north and would be located between the embankment and the Canyon Access Road. Figure 3.2-6 illustrates the existing and anticipated final condition of this area. Table 3.2.E displays the impacts to potentially jurisdictional areas. The DBESP and permit applications will quantify the net impacts accounting for the anticipated increase in potentially jurisdictional areas that would partially offset impacts, including the realigned channel of Temecula Creek and the additional lake area between the existing dam and proposed dam. Impacts to jurisdictional areas are regulated under Sections 401 and 404 of the federal Clean Water Act and Section 1600 of the California Fish and Game Code. The District will obtain a Section 404 Permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Lake or Streambed Alteration Agreement from the CDFW and will comply with all measures stipulated in these agreements. It is anticipated that mitigation for impacts will be required and will consist of restoration of disturbed areas, habitat creation, enhancement, and/or preservation. Permanent impacts to wetland waters of the U.S. and wetland waters of the State will be offset by wetland creation at a minimum 1:1 ratio to satisfy the requirement for no net loss of wetlands. Mitigation Measures BIO-8 through BIO-10 address the need for obtaining permits and complying with the applicable provisions contained therein. As required pursuant to Mitigation Measure BIO-1, mitigation for impacts to riparian/riverine resources as defined in the MSHCP will be addressed through a DBESP. The mitigation identified in the DBESP may be deemed sufficient by the USACE, RWQCB, and/or CDFW as mitigation for jurisdictional resources, or they may incorporate further requirements in their respective permits. One component of mitigation may include removal of exotic species, such as Mediterranean tamarisk (*Tamarix ramoissima*), in areas surrounding Vail Lake. Figure 3.2-7 depicts several areas dominated by tamarisk that would benefit from exotic species removal and revegetation with native species. Implementation of the MSHCP Standard BMPs included as Regulatory Compliance Measures will minimize impacts to jurisdictional areas. Mitigation Measure BIO-3 requires the preparation and implementation of a habitat restoration plan for temporary impact areas, which includes

potentially jurisdictional areas. Mitigation Measures BIO-8 through BIO-10 address the need for permits from regulatory agencies. With implementation of these measures, impacts to protected wetlands would be less than significant. (Draft EIR, pp. 3.2-48 through 3.2-51.)

4. Wildlife Movement

Threshold: Would the Project 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?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.2-51.)

Explanation: Wildlife movement includes seasonal migration along corridors, as well as daily movements for foraging. Migration corridors may include areas of unobstructed movement of deer, riparian corridors providing cover for migrating birds, routes between breeding waters and upland habitat for amphibians, and between roosting and feeding areas for birds. As noted in Section 3.2.2.3, the Project site occurs at the existing Vail Lake Dam and the area downstream, within portions of Temecula Creek and along existing roads and residential and agricultural areas. Current wildlife movement is mostly unrestricted with the exception of the western portion of the Project site where adjacent residential and agricultural land uses reduce or eliminate the ability for wildlife to move freely. The area provides suitable nursery sites for a wide variety of animal species. Construction activities would not preclude overall wildlife movement throughout the area or use of the area as a nursery site, as ample vacant lands occur on either side of the impact area; however, Project activities may temporarily disrupt movement through the area particularly for terrestrial invertebrates, reptiles, and amphibians and would limit the use of areas within and immediately adjacent to the Project footprint as breeding/nesting habitat. Impacts to structures, rocky areas, and vegetation could affect the use of these areas as maternal roost sites by bats. Compliance with MSHCP Standard BMPs included as Regulatory Compliance Measures and Mitigation Measures BIO-1 through BIO-7 and BIO-11 through BIO-12 will avoid and minimize impacts to wildlife movement and nursery sites. Upon Project completion, no new barriers to wildlife movement would be introduced (the proposed dam would replace the existing dam, which is an existing barrier to aquatic wildlife movement along Temecula Creek). With implementation of Mitigation Measures and Regulatory Compliance Measures, impacts would be less than significant. (Draft EIR, p. 3.2-51.)

5. Habitat Conservation Plans

Threshold: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.2-52.)

Explanation: Section 10(a)(2)(A) of the 1973 Federal Endangered Species Act requires the preparation of a habitat conservation plan (HCP) for incidental take of threatened or endangered species when there is no federal agency involvement in a project. Continuing land development may cause incidental take of listed species and, therefore, HCPs have been prepared for areas within western Riverside County. The MSHCP and the SKR HCP are the principal habitat conservation plans in western Riverside County. The USFWS regional office maintains a current list of habitat conservation plans for the southern California region.

MSHCP. The Project site is located within the MSHCP Southwest Area Plan in Cell Groups C and D. Cell Groups C and D are part of the Vail Lake Subunit (Subunit 3) of the Southwest Area Plan (Riverside County Transportation and Land Management Agency 2003). As stated in Mitigation Measure BIO-1, the District shall obtain status as a Participating Special Entity of the MSHCP. As discussed in more detail in Section 3 of the Biology Report (Appendix C), the Proposed Project would not conflict with the target conservation levels for Cell Groups C or D (in Proposed Core 7) in the Vail Lake Subunit of the MSHCP Southwest Area Plan. Changes in developed areas are limited to the new dam and improvements to existing access roads, which would not substantially affect wildlife or habitat once the Project is completed. No new edge effects or barriers to wildlife movement would be introduced. Consistent with the MSHCP Standard BMPs (included as Regulatory Compliance Measures RCM BIO-1 through RCM BIO-15; see also Mitigation Measure BIO-2), access to the Project site is proposed along existing roads wherever feasible, with permanent impacts to natural vegetation communities minimized, and temporary impact areas have been located in disturbed or developed areas where possible. Temporary staging and laydown areas within the canyon downstream of the dam have been located in areas that avoid, to the extent possible, the locations of sensitive biological resources. The Project supports the ongoing presence of water in Vail Lake by addressing the seismic and hydrologic hazards of the existing dam, reducing the risk of dam failure. No changes are proposed to lake or dam operations. Permanent impacts to riparian and riverine areas will require mitigation and will be

addressed in the DBESP for this Project. In addition, impacts to Nevin's barberry will be addressed in the DBESP. As noted earlier, one component of mitigation may include removal of exotic species, such as Mediterranean tamarisk, in areas surrounding Vail Lake. Figure 3.2-7 depicts several areas dominated by tamarisk that would benefit from exotic species removal and revegetation with native species. Additionally, Mitigation Measure BIO-6 requires off-site propagation of Nevin's barberry, to be planted in areas surrounding Vail Lake. Figure 3.2-7 also depicts potentially suitable areas where propagated plants could be planted. As required under Mitigation Measure BIO-3, temporary impact areas will be revegetated with natural vegetation communities in accordance with a habitat restoration plan subject to regulatory agency approval, consistent with the MSHCP Standard BMPs. Documentation of the District's compliance with the MSHCP as outlined under Mitigation Measure BIO-1 will be verified by the Western Riverside County Regional Conservation Authority (RCA) prior to issuance of Take Authorization and granting of PSE status. No further mitigation is required to ensure consistency with the MSHCP.

SKR HCP. The Project site is within the SKR HCP fee area. Focused surveys for SKR will not be required for this Project; however, a fee associated with the SKR HCP is required. Suitable habitat occurs on the Project site, and this species is likely present. The Project site is not subject to any other adopted HCP. Prior to initiation of construction, the District will coordinate with the Riverside County Habitat Conservation Authority and/or the County of Riverside to pay the required fee (up to $500 per gross acre) in accordance with the requirements of the SKR HCP (see Regulatory Compliance Measure RCM BIO-17). In summary, with implementation of Regulatory Compliance Measures RCM BIO-1 through RCM BIO-17 and Mitigation Measures BIO-1 through BIO-7 and BIO-13, impacts associated with habitat conservation plans would be less than significant.

Regulatory Compliance Measures

The following RCMs are existing regulations that are applicable to the Proposed Project and are considered in the analysis of potential impacts related to biological resources. The District considers these requirements mandatory; therefore, they are not mitigation measures. MSHCP Standard BMPs. The Project is within MSHCP Criteria Cells and within and adjacent to Public/Quasi-Public Lands. Therefore, applicable best management practices specified in Appendix C of the MSHCP will be followed (as the District would be a Participating Special Entity for this Project, references to "Permittee" herein are interpreted to refer to the RCA).

RCM BIO-1 A condition shall be placed on grading permits* requiring a qualified biologist to conduct a training session for Project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the Project, and the access routes to and Project site boundaries within which the Project activities must be accomplished.

*Because grading permits are not required for this project, these conditions have been included in the Project specifications.

RCM BIO-2 Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB requirements.

RCM BIO-3 The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.

RCM BIO-4 The upstream and downstream limits of Project disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.

RCM BIO-5 Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.

RCM BIO-6 Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian species identified in MSHCP Global Species Objective No. 7.

RCM BIO-7 When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing of other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments offsite. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from reentering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.

RCM BIO-8 Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project-related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, CDFW, and RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.

RCM BIO-9 Erodible fill material shall not be deposited into watercourses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.

RCM BIO-10 The qualified Project biologist shall monitor construction activities for the duration of the Project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the Project footprint.

RCM BIO-11 The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.

RCM BIO-12 Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.

RCM BIO-13 To avoid attracting predators of the species of concern, the Project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).

RCM BIO-14 Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the Proposed Project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the Project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.

RCM BIO-15 The Permittee [RCA] shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

RCM BIO-16 The District shall pay the required fees associated with Riverside County Ordinance 663 for impacts within the Stephens' Kangaroo Rat Habitat Conservation Plan Fee Assessment Area.

RCM BIO-17 The District shall pay the required fees associated with the MSHCP Mitigation Fee Implementation Manual in accordance with the requirements of the Western Riverside County Regional Conservation Authority.

Mitigation Measures

MM BIO-1: The District shall apply for and obtain status as a Participating Special Entity of the MSHCP through the RCA. Prior to construction, all required surveys, reports, and other documentation shall be completed and submitted to the RCA to its satisfaction, and Take Authorization will be obtained. The District shall comply with any conditions of the Take Authorization stipulated by the RCA, in addition to complying with the requirements of the MSHCP as set forth in Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools), Section 6.1.3 (Protection of Narrow Endemic Plant Species), Section 6.1.4 (Guidelines Pertaining to Urban/Wildlands Interface), Section 6.1.6 (Mitigation Responsibilities, Requirements for Participating Special Entities), Section 6.3.2 (Additional Survey Needs and Procedures), and Section 7.3.9 (Future Facilities) of Volume I. The District shall prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) for impacts to riparian/riverine resources, narrow endemic plant species, and criteria area species as required pursuant to the MSHCP.

MM BIO-2: The District shall adhere to all applicable BMPs outlined in Appendix C of Volume 1 of the MSHCP. The District shall verify that all relevant BMPs are stated where appropriate on the Project construction plans and shall be conveyed to all workers on site during pre-construction training sessions to be held prior to each phase of construction.

MM BIO-3: Prior to initiation of construction, the District shall retain a qualified restoration biologist to prepare a habitat restoration plan to restore to pre-Project conditions or better all upland and wetland temporary impact areas where vegetation removal will occur. To ensure the habitat restoration plan addresses all impact areas, the District's biologist shall review the final anticipated temporary and permanent impact areas as part of the plan preparation based on final construction plans, including any changes in anticipated contractor staging configuration, utility work, disposal areas, access requirements, or revisions to construction methodology that could affect impact limits. The restoration plan will identify appropriate native vegetation communities to be installed based on existing and anticipated final conditions. The plan shall include a plant palette using species native to the area that are appropriate for the habitat and should include locally collected seeds or cuttings of any sensitive plant species that will be cleared by the Project (e.g., chaparral sand, verbena, white rabbit-tobacco, and long-spined spineflower). The habitat restoration plan shall include specifications for planting methods, seed installation, and topsoil salvage and stockpiling, and will include a 5-year maintenance and monitoring schedule with specific target and ultimate performance criteria to be met, including the percentage of vegetative cover; native species diversity; exclusion of exotic, non-native species; restoration of disrupted functions and values; and use of the restored habitat by indicator wildlife species. The habitat restoration plan shall be subject to review and approval by the permitting agencies (e.g., USACE, RWQCB, CDFW, USFWS and RCA) and shall address any specific requirements for mitigation of impacts to Nevin's barberry identified by these agencies.

MM BIO-4: The District shall avoid vegetation clearing for the Project during the bird breeding season (typically February 1 through August 31) to the extent feasible. If vegetation clearing or initiation of construction activities is proposed during the breeding season, a qualified biologist shall be retained by the District to conduct a preconstruction survey of the impact area for nesting migratory birds not more than 3 days prior to vegetation clearing or initiation of construction activities. Should any nesting birds be detected within 100 ft of the impact area, a suitable buffer area (determined on a case-by-case, species-specific basis) shall be established by a qualified biologist within which no construction activity may take place until after a qualified biologist has determined that the young have fledged and the nest is no longer active. Nesting bird habitat within the Project site shall be resurveyed during the bird breeding season if there is a lapse in construction activities longer than 7 days.

MM BIO-5: Consistent with the requirements of the MSHCP, no construction or vegetation clearing shall take place within suitable habitat (riparian scrub) for least Bell's vireo during the breeding season (March 15 through September 15). Additionally, the District shall not clear occupied habitat (Riversidian sage scrub in proximity to species observations) for coastal California gnatcatcher during the breeding season (February 15 through August 15).

MM BIO-6: To offset impacts to the seven Nevin's barberry that are within the Project impact limits, the District shall retain a qualified habitat restoration expert with experience in collecting seeds and/or cuttings for this species. Prior to impacts to the Nevin's barberry, seeds and/or cuttings shall be collected from the seven individuals to be removed as well as other individuals in the vicinity of Vail Lake to be propagated off site. Once the propagated plants have reached a suitable size for transplant (as determined by the habitat restoration expert and subject to agency approval), Nevin's barberry shall be planted in suitable areas around Vail Lake (as shown in Draft EIR Figure 3.2-7) at a minimum 10:1 ratio (i.e., 70 plants). These plantings shall be subject to maintenance and monitoring and agency sign-off consistent with the overall habitat restoration plan (see Mitigation Measure BIO-3). To avoid impacts to any Nevin's barberry in proximity to the limits of construction, the District shall retain a qualified biologist to survey areas within 20 ft of the construction limits (as determined based on final Project plans) within 3 months prior to construction. If any Nevin's barberry are identified within this area, the following measure shall be implemented. Prior to the commencement of construction activities, orange Environmentally Sensitive Area fencing or similar highly visible material that delineates any locations of Nevin's barberry within 20 ft of impact areas along the Canyon Access Road and near the dam that are not within the impact area shall be placed by the construction contractor under the supervision of a qualified biologist retained by the District. The area within the fence line demarcating individual Nevin's barberry shall include an approximately 5 ft buffer.

MM BIO-7: The District shall retain a qualified biologist to conduct an MSHCP 30-day preconstruction survey for burrowing owl within suitable habitat prior to ground-disturbing activities to ensure that no burrowing owls have colonized the site. The pre-construction survey(s) shall be conducted no more than 30 days prior to the start of construction activities. If burrowing owls have colonized the Project site prior to the initiation of ground-disturbing activities, the Project proponent will immediately inform and coordinate with CDFW. A Burrowing Owl Protection and Relocation

Plan may be necessary prior to initiating ground disturbance. If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure the burrowing owl has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.

MM BIO-8 Prior to construction activities in proximity to jurisdictional waters of the U.S., the District shall apply for and obtain a Section 404 Nationwide Authorization or Individual Permit from the USACE. The District shall comply with all requirements stated in the Section 404 permit, including standard provisions and any additional special conditions such as specific mitigation standards or Project-specific BMPs. Permanent impacts to wetland waters of the U.S. will be offset by wetland creation at a minimum 1:1 ratio.

MM BIO-9 Prior to construction activities in proximity to jurisdictional waters of the State, the District shall apply for and obtain a Section 401 Water Quality Certification or Waste Discharge Requirements from the RWQCB. The District shall comply with all requirements stated in the Section 401 certification or Waste Discharge Requirements, including standard provisions and any additional special conditions such as specific mitigation standards or Project-specific BMPs. Permanent impacts to wetland waters of the State will be offset by wetland creation at a minimum 1:1 ratio.

MM BIO-10 Prior to construction activities in proximity to CDFW jurisdictional areas, the District shall apply for and obtain a Lake or Streambed Alteration Agreement from CDFW. The Project proponent shall comply with all the requirements stipulated in the agreement, including standard provisions and any additional special conditions such as specific mitigation standards or Project-specific BMPs.

MM BIO-11 The District shall retain a CDFW-approved bat biologist to conduct a focused habitat assessment at buildings, rock outcrops, and mature trees and snags that will be subject to Project-related impacts. The focused habitat assessment shall be conducted prior to or during the maternity season (April 1 through August 31). At locations where suitable roosting habitat is identified, the CDFW-approved bat biologist retained by the District shall conduct follow-up nighttime surveys for roosting bats. The nighttime surveys shall include a combination of acoustic and exit count methods and shall take place during the bat maternity season to enable detection of maternity-roosting bats. If maternity roosts are identified within

the Project area, the following measures shall be implemented: (1) the District shall retain a CDFW-approved bat biologist to confirm the absence of roosting bats prior to removal of buildings or rock outcrops with potential to house roosting bats. If bats are found or if the absence of bats cannot be confirmed, the bat biologist shall install or directly supervise installation of humane eviction devices and exclusionary material or other method(s) to prevent bats from roosting in these areas. Implementation of the humane eviction/exclusions is typically performed in the fall (September or October) preceding construction activity at a given location to avoid impacts to hibernating bats during the winter months or during the maternity season (April through August 31), when nonvolant (flightless) young are present. Any humane eviction/exclusion methods shall be implemented at least 10 days prior to the demolition of a structure or rock outcrop housing bats to allow sufficient time for the bats to vacate the roost feature(s). (2) Removal of mature trees and snags shall occur during the fall months (September or October) to the greatest extent feasible, to avoid the bat maternity season (April 1 through August 31) and avoid the potential for "take" of nonvolant (flightless) young. Trees and snags that have been identified as confirmed or potential roost sites require a two-step removal process and the involvement of a CDFW-approved bat biologist, retained by the District, to minimize the potential for roosting bat mortality during this activity. This two-step removal shall occur over two consecutive days as follows: on Day 1, branches and limbs not containing cavities, as identified by the CDFW-approved bat biologist, shall be removed. On Day 2, the remainder of the tree shall be removed without supervision by a bat biologist. The disturbance caused by limb removal, followed by an interval of one evening, will allow bats to safely abandon the roost.

MM BIO-12 The District's biologist shall review the final anticipated temporary and permanent impact areas as part of the plan preparation based on final construction plans, including any changes in anticipated contractor staging configuration, utility work, disposal areas, access requirements, or revisions to construction methodology that could affect impact limits. In the event that impacts are reduced, the District may coordinate with applicable resource agencies to determine whether compensatory mitigation requirements should be reduced. In the event that work is proposed beyond the identified limits of impact, the District shall retain a qualified biologist to determine the potential for special-status resources to occur, including riparian/ riverine areas, special-status species, identified Critical Habitat, jurisdictional waters or wetlands, or CDFW jurisdictional riparian or streambed areas. Additional surveys for special-status species shall be conducted if required prior to initiation of construction activities in the area

beyond the limits of impact. If additional special-status resources would be affected, compensatory mitigation shall be adjusted in coordination with appropriate resource agencies, including the RCA. Upon completion of construction and prior to habitat restoration, the District's biologist shall conduct a review of the final impact areas to determine whether total impacts differ from those identified in this report. If appropriate, compensatory mitigation totals shall be adjusted in consultation with appropriate resource agencies.

MM BIO-13 Prior to the start of construction activities, orange Environmentally Sensitive Area fencing or similar highly visible material that delineates sensitive biological resources that occur within 5 ft of Project impact areas shall be placed by the construction contractor under the supervision of a qualified biologist retained by the District. Such areas will be treated as "off-limits" during construction, in accordance with the MSHCP Standard BMPs.

With implementation of the regulatory compliance measures and mitigation measures listed above, all impacts related to construction and operation of the Proposed Project would be less than significant. (Draft EIR, pp. 3.2-56 through 3.2-60.)

C. CULTURAL RESOURCES

1. Archaeological Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines, section 15064.5?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.3-6.)

Explanation: The Phase I Cultural Resources Assessment prepared for the Proposed Project included a record search through the EIC at the University of California, Riverside, background research, and an archaeological field survey. Seven cultural resources were identified within the Project study area as a result of the record search and field survey. Of the seven cultural resources identified within the Project study area, only three cultural resources are within the Project site. Two of the cultural resources identified within the Project site date to the historic period: P-33-014912 (Vail Lake Dam) and P-33-014913 (Concrete Irrigation Pipeline). Resource P-33-014912 is a built environment resource—not an archaeological resource—and does not need to be discussed further in this section. Archaeological resource P-33-014913 was determined to be not eligible for listing in the

National Register or the California Register and is not considered a significant resource pursuant to Section 15064.5 of the State CEQA Guidelines. A third cultural resource was identified within the Project site as a result of the archaeological field survey: LSA-RCW1902-S-3 (permanent primary number designation pending from the EIC). It is a precontact archaeological cultural resource and is discussed below.

LSA-RCW1902-S-3. Cultural resource LSA-RCW1902-S-3 (a bedrock milling feature) is located along the alignment of a design alternative that was initially proposed for the North Access Road. The alternative has been retained in Project plans pending coordination with the applicable resource agencies. If LSA-RCW1902-S-3 were to be impacted by Project implementation, the resource would be evaluated for eligibility in the California Register and for status as a unique archaeological resource. Because P-33-014912 is not an archaeological resource and P-33-014913 is not a significant archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines, the Proposed Project would not cause a substantial adverse change in the significance of either of the two resources, and no mitigation is required to address either resource. If the North Access Road design alternative is selected (refer to Section 4.0, Alternatives) and LSARCW1902-S-3 were to be impacted by Project work, Mitigation Measure CUL-1 requires that the resource be evaluated for eligibility in the California Register and for status as a unique archaeological resource if it cannot be avoided during construction. If the resource is determined to not be significant per CEQA, not be eligible for the California Register, and not be a unique archaeological resource, then the Proposed Project would not have a significant effect on an archaeological resource and no further mitigation would be required. If LSA-RCW1902-S-3 is determined to be significant per CEQA, determined to eligible for the California Register, or determined to be a unique archaeological resource, then avoidance or preservation in place (or mitigation of significant effects) would be required. In addition, while approximately 95 percent of the Project site was surveyed for cultural resources with mostly negative findings for surficial cultural resources, because of the high number of archaeological resources within 1.0 mile of the Project study area (more than 40, with nearly 30 having a precontact component), and given the proximity of the Project study area and Project site to the Temecula Massacre site (which is described in greater detail below), there is strong potential for subsurface Native American cultural resources that could be eligible for the California Register or significant per CEQA. As such, Mitigation Measure CUL-2 requires archaeological monitoring during ground-disturbing construction activities associated with Project implementation to avoid and/or mitigate

for potential impacts to buried (unknown) archaeological resources. If archaeological resources are encountered during ground-disturbing work, construction activities in the area of the find would stop and the resource would be evaluated for significance. Pre-established procedures would be in place to address any significant finds. When archaeological resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant. Implementation of Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would reduce the impact of the Proposed Project on the significance of archaeological resources to a less than significant level. (Draft EIR, pp. 3.3-6 through 3.3-7)

2. Human Remains

Threshold: Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.3-7.)

Explanation: No previously identified human remains are present on the Proposed Project site. However, in the Battle of San Pasqual during the Mexican-American War (December 6, 1846), the Californios killed more than 20 United States soldiers. After the battle, some of the Californios went to a rancho in Pauma Valley, where 11 of them were kidnapped by Luiseño Indians who were sympathetic to Americans. The 11 Californios were eventually killed. In response to this event (known as the Pauma Massacre), a Mexican General ordered José del Carmen Lugo to capture the people responsible for the killing of the Californios. In January 1847, Lugo (along with some Cahuilla Indians) came to the Temecula Valley and killed Luiseño Indians in the canyon in the area of Vail Lake Dam. This event has been called the Temecula Massacre, during which an estimated 38 to 40 Luiseños were killed. The actual number of Luiseño victims of the massacre remains unknown as severe rain and flooding in the canyon soon after the massacre would have made recovery of the victims difficult (LSA 2022d). As such, undiscovered human remains may be present below the ground surface on the Project site. Disturbing human remains could violate the California HSC as well as destroy the resource, which would be considered a significant impact. Mitigation Measure CUL-3 requires compliance with the California HSC for the treatment of human remains. As stated in Mitigation Measure CUL-3, in the event that human remains are encountered during any Project work, California HSC Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to California PRC Section 5097.98. The County Coroner must be notified of the find immediately. If

the remains are determined to be Native American, the County Coroner would notify the Native American Heritage Commission (NAHC) within 24 hours (per State CEQA Guidelines Section 15064.5(e)), and the NAHC would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment. Implementation of Mitigation Measure CUL-3 would reduce the potential impact of the Proposed Project on human remains to less than significant. Draft EIR, pp. 3.3-7 through 3.3-8.)

Mitigation Measures

MM CUL-1 LSA-RCW1902-S-3. If possible, construction of the North Access Road will avoid impacts to LSA-RCW1902-S-3. In the event the North Access Road design alternative is selected and if LSARCW1902-S-3 would be impacted by Project work, LSA-RCW1902- S-3 shall be evaluated for eligibility in the California Register of Historical Resources (California Register) and for status as a unique archaeological resource prior to any ground-disturbing activity. If the resource is determined to not be significant per the California Environmental Quality Act (CEQA), not be eligible for the California Register, and not be a unique archaeological resource, then the Proposed Project would not have a significant effect on an archaeological resource and no further mitigation pertaining to LSA-RCW1902-S-3 shall be required. If LSA-RCW1902-S-3 is determined to be significant per CEQA or eligible for the California Register or is determined to be a unique archaeological resource, then avoidance or preservation in place (or mitigation of significant effects—such as, but not limited to, archaeological data recovery and/or relocation of the resource) shall be required.

MM CUL-2 Archaeological Monitoring. Prior to construction, an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology shall prepare a Cultural Resources Monitoring Plan for review and approval by the District and the Pechanga Band of Luiseño Indians. An archaeologist shall attend the pre-construction meeting and provide a Cultural Resources Awareness Training to construction personnel at the pre-grade meeting. An archaeologist shall be on site during ground-disturbing construction activities associated with Project implementation to conduct archaeological monitoring, with the intent to identify, avoid, and/or mitigate for potential impacts to previously unidentified archaeological resources in accordance with the protocols specified in the Cultural Resources Monitoring Plan. The archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology shall oversee the archaeological monitoring and serve as Project Archaeologist. In the event that archaeological cultural resources are identified by the archaeological monitor during ground-disturbing Project activities, the nature of the find shall be assessed, and the Project Archaeologist shall determine if additional cultural resources work is appropriate. Additional cultural resources work may include, but is not limited to, collection and documentation of artifacts, documentation of the cultural resources on State of California Department of Parks and Recreation (DPR) Series 523 forms, or subsurface testing. Upon completion of any cultural resources work for the Project (including archaeological monitoring), the Project Archaeologist shall prepare a report to document the methods and results of the work. This report should be submitted to the District, to any descendant community involved in the investigation(s) that requests a copy, and to the Eastern Information Center at the University of California, Riverside.

MM CUL-3 Human Remains. In the event that human remains are encountered during any Project work, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County of Riverside (County) Coroner has made a determination of origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner would notify the NAHC within 24 hours (per State CEQA Guidelines Section 15064.5(e)), and the NAHC would determine and notify a MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD

recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.

No impacts to historical resources would occur. Mitigation Measures CUL-1 through CUL-3 would reduce potential impacts to known and previously unknown archaeological resources and previously undiscovered human remains to a less than significant level. No significant unavoidable impacts to archaeological resources or human remains would occur with implementation of these measures. (Draft EIR, pp. 3.3-9 through 3.3-10.)

D. GEOLOGY AND SOILS

1. Paleontological Resources

Threshold: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.5-20.)

Explanation: According to the Paleontological Resources Assessment (LSA 2022c), the Project area contains a variety of geologic units, with no, low, and high paleontological sensitivity. Artificial Fill, the Basalt of Temecula Area, the Plutonic Rocks of the Peninsular Ranges Batholith (Granodiorite, Gabbro, and Heterogeneous Granitic Rocks), and the Metamorphic Rocks of the Peninsular Ranges Batholith (Metasedimentary Rocks) have no paleontological sensitivity. The Landslide Deposits and Old Landslide Deposits have low paleontological sensitivity. The Wash Deposits, Alluvial Flood Plain Deposits, and Young Alluvial Flood Plain Deposits/Young Alluvial Channel Deposits have low paleontological sensitivity from the surface to a depth of 10 ft and high paleontological sensitivity below that mark. Lastly, the Old Alluvial Flood Plain Deposits and Temecula Arkose have high paleontological sensitivity. No excavation is anticipated in the inundation area or the Secondary Entry Road. Excavation associated with the Primary Entry Road (50 Acre Parcel), Pond Access Road, Canyon Access Road, and South Access Road, as well as the associated staging areas, turnouts, and disposal area, is expected to be shallow and remain in geologic units that have no to low paleontological sensitivity. The majority of excavation is expected to occur in the vicinity of the new dam, spillway, and associated facilities, all of which are in areas mapped with no, low, or

high paleontological sensitivity. Lastly, excavation for the North Access Road will occur in geologic units that have no, low, and high paleontological sensitivity. Although most Project excavation will remain in geologic units that have no or low paleontological sensitivity, some excavation in high sensitivity deposits will occur. As such, it is possible that ground-disturbing construction activities could impact significant previously undiscovered paleontological resources. To mitigate adverse impacts to unknown buried paleontological resources that may exist on site, Mitigation Measure PAL-1 requires that a qualified paleontologist be retained to develop a Paleontological Resources Impact Mitigation Program (PRIMP), which would identify methods used to protect paleontological resources. In addition, as specified in Mitigation Measure PAL-2, ground-disturbing activities in deposits with high paleontological sensitivity (i.e., Wash Deposits, Alluvial Flood Plain Deposits, Young Alluvial Channel Deposits/Young Alluvial Flood Plain Deposits below a depth of 10 ft; Old Alluvial Flood Plain Deposits; and the Temecula Arkose) shall be monitored by a qualified paleontological monitor following the preparation of a PRIMP. Implementation of Mitigation Measures PAL-1 and PAL-2 would ensure that impacts to paleontological resources are reduced below a level of significance. (Draft EIR, p. 3.5-20.)

Mitigation Measures

MM PAL-1 Paleontological Resources Impact Mitigation Program. Prior to commencement of construction activities, the District shall retain a qualified, professional paleontologist who meets the standards set by the Society of Vertebrate Paleontology (SVP) to develop a PRIMP for the Project. The PRIMP shall be consistent with the guidelines of the SVP and shall include the methods that will be used to protect paleontological resources that may exist within the Project site, as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of ground disturbance. At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program. Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a museum repository. (Draft EIR, p. 3.5-22.)

MM PAL-2 Paleontological Resources. Ground-disturbing activities in deposits with high paleontological sensitivity (i.e., Wash Deposits, Young Alluvial Channel Deposits below a depth of 10 ft; Old Alluvial Flood Plain Deposits; and the Temecula Arkose) shall be monitored by a qualified paleontological monitor, to be retained by the District, following the preparation of a PRIMP. No monitoring is required for excavations in geologic units with low or no paleontological sensitivity (i.e., Landslide Deposits; Old Landslide Deposits; Artificial Fill; Basalt of Temecula Area; Granodiorite; Gabbro; Heterogeneous Granitic Rocks; Metasedimentary Rocks), or from the surface to a depth of 10 ft in Wash Deposits or Young Alluvial Channel Deposits. If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to temporarily redirect construction away from the area of the find in order to assess its significance. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and the paleontologist or paleontological monitor shall be contacted to assess the find for scientific significance. If determined to be scientifically significant, the fossil shall be collected from the field. (Draft EIR, p. 3.5-22.)

With implementation of Regulatory Compliance Measure RCM GEO-1 and Mitigation Measures PAL-1 and PAL-2, potentially significant impacts related to geology, soils, and paleontological resources would be reduced below a level of significance. No other mitigation measures are required. (Draft EIR, p. 3.5-23.)

E. HAZARDS AND HAZARDOUS MATERIALS

1. Hazardous Materials

Threshold: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.7-14.)

Explanation: **Construction.** Construction of all components of the Proposed Project would temporarily increase the regional transport, use, and disposal of construction-related hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). These materials are commonly used at construction sites, and the construction activities would be required to

comply with applicable State and federal regulations for proper transport, use, storage, and disposal of excess hazardous materials and hazardous construction waste. In addition, Regulatory Compliance Measures WQ-1 and WQ-4 (refer to Section 3.8 of the Draft EIR) require compliance with the waste discharge permit requirements to avoid potential impacts to water quality due to spills or runoff from hazardous materials used during construction. Hazardous waste might also be generated during demolition, excavation, or other activities that require the removal of potential hazardous building materials [e.g., asbestos-containing materials (ACM), lead-based paint, and polychlorinated biphenyls (PCB)] or unknown hazardous materials. The Phase I ESA identified the dam and associated ancillary structures, including the stream release valve building, as locations where ACMs, lead-based paint, and/or PCBs may be present. The demolition of structures containing hazardous building materials requires specialized procedures and equipment and appropriately certified personnel. Procedures for handling and disposal of hazardous building materials are specified in Mitigation Measure H-1, Demolition Plan. The plan will specify how to appropriately contain, remove, and dispose of hazardous building materials to protect human health and the environment. Any suspect hazardous materials unearthed during construction would require work be stopped as well as notification to the District, which could require testing, removal, and disposal at appropriate facilities in accordance with State and federal regulations. Procedures for handling suspect or unknown hazardous materials are specified in Mitigation Measure H-2, Construction Contingency Plan. Therefore, with implementation of Mitigation Measures H-1 and H-2, impacts related to the routine transport, use, or disposal of hazardous materials during construction would be less than significant.

Operation. Operation and maintenance of the Project would involve transport, use, and disposal of small quantities of hazardous materials or wastes associated with routine maintenance of dam facilities and associated ancillary structures. The District is required to ensure that hazardous materials are used and stored in accordance with applicable regulations, and the District and contracted solid waste disposal providers are required to ensure that such materials are disposed of at appropriate facilities. Therefore, impacts related to the routine transport, use, or disposal of hazardous materials during operation and maintenance would be less than significant, and no mitigation is required. (Draft EIR, pp.3.7-14 through 3.7-15.)

2. Accident or Upset

Threshold: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.7-15.)

Explanation: **Construction.** The Phase I ESA conducted by AECOM identified the potential for PCB-containing dielectric fluids associated with on-site electrical equipment, as well as in paint and/or caulk, of the dam and associated ancillary structures. In addition, asbestos-containing materials and lead-based paint may be present in materials used during the original construction of the dam and associated ancillary structures. Construction of the Proposed Project requires modifications to and demolition of many of the existing structures. Procedures for handling and disposal of hazardous building materials are specified in Mitigation Measure H-1, Demolition Plan. The plan will specify how to appropriately contain, remove, and dispose of hazardous building materials to protect human health and the environment. Additionally, as specified in Mitigation Measure H-2, Construction Contingency Plan, any suspect hazardous materials unearthed during construction would require work be stopped as well as notification to the District, which could require testing, removal, and disposal at appropriate facilities in accordance with State and federal regulations. In addition, Regulatory Compliance Measures WQ-1 and WQ-4 (refer to Section 3.8 of the Draft EIR) require compliance with the waste discharge permit requirements to avoid potential impacts to water quality due to spills or runoff from hazardous materials used during construction. Therefore, with implementation of Mitigation Measures H-1 and H-2, impacts related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant.

Operation. As is the case for the existing dam, operation and maintenance of the gravity dam constructed as part of the Proposed Project would involve transport, use, and disposal of small quantities of hazardous materials or wastes associated with routine maintenance of dam facilities and associated ancillary structures. The District is required to ensure that hazardous materials are used and stored in accordance with applicable regulations. However, operation and maintenance of dam facilities and associated ancillary structures would not result in substantial reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment because these activities do not involve the use or

handling of substantial quantities of hazardous materials or acutely hazardous materials. Furthermore, the Proposed Project would not appreciably change the types or quantities of hazardous materials required for operation and maintenance procedures compared with existing conditions. Therefore, impacts related to operation and maintenance would be less than significant, and no mitigation is required. (Draft EIR, pp. 3.7-15 through 3.7-16.)

3. Emergency Plans

Threshold: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.7-16.)

Explanation: **Construction**. Construction of the Proposed Project would necessitate that construction vehicles use roadways that have been designated or would otherwise be required for use as Evacuation Routes. Construction traffic would consist of vehicles transporting workers and equipment as well as materials, including import of aggregate materials from an off-site quarry. Construction traffic would not interfere with or create unacceptable roadway operating conditions along public roads. The use of roads for construction traffic would not preclude the roads from serving as emergency evacuation routes. The primary access route through the canyon, the Canyon Access Road, will be widened to two lanes of traffic and is not anticipated to be obstructed during construction. Mitigation Measure H-3 requires the contractor to prepare and implement a Construction Traffic Management Plan (CTMP), which would set forth measures to ensure emergency access is available at all times. As shown in Figure 2-12, there are multiple access routes to the dam. Construction of access roads would be phased such that emergency access to the dam and ancillary appurtenant structures and to all construction areas is maintained at all times, allowing evacuation of these areas if necessary. No additional elements of construction could impact emergency response or evacuations. For these reasons, with implementation of mitigation, construction of the Proposed Project would not substantially impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

Operation. The District operations at Vail Dam are not anticipated to substantially change following construction; however, the total area of the lake will increase slightly (by approximately 0.66 acre) through the addition of the area between the existing and proposed dam, and the new outlet facilities will improve the District's ability to implement emergency drawdowns. As required by SB 92 for a "significant change to the dam or critical appurtenant structure," the Vail Lake Emergency Action Plan (EAP) will be updated including any corresponding changes to the emergency notification flowcharts, response process, responsibilities, and preparedness activities described therein. In addition, updated information regarding the dam facilities will be provided to the County of Riverside Emergency Management Department. Therefore, changes to emergency actions resulting from the Project would be addressed through updates to the Vail Lake EAP and, if appropriate, the County of Riverside Local Hazard Mitigation Plan (LHMP). Therefore, with compliance with regulatory requirements, impacts to adopted emergency response plans or emergency evacuation plans from operation of the Proposed Project would be less than significant. No mitigation is required. (Draft EIR, pp. 3.7-16 through 3.7-17.)

4. Wildland Fires

Threshold: Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.7-17.)

Explanation: **Construction.** During construction, the number of people present at the Project site, which is within moderate, high, and very high fire hazard severity zones, would be substantially increased. This would temporarily increase the number of people exposed to a risk of loss, injury, or death involving wildland fire. Areas of particular concern would be at the proposed dam construction area, along the Canyon Access Road and adjacent staging and laydown areas, along the North Access Road, and at the South Access Road realignment area. Project activities at the western end of the site, including the areas near the Upper VDC Recharge Basins and on the 50-acre parcel, would be in a lower fire risk area and would be more easily accessible in an emergency. The CTMP required by Mitigation Measure H-3 would set forth measures to ensure site access and emergency access is available at all times, including routes for emergency evacuation of on-site personnel. Impacts from construction of the Proposed Project

related to the exposure of people or structures to a significant risk involving wildland fires would be less than significant with implementation of Mitigation Measure H-3.

Operation. The Proposed Project would not increase the risk of wildfire in the area. It is anticipated that Vail Lake would continue to serve as a water source for aerial firefighting operations in the region. As a concrete structure adjacent to a body of water, the proposed dam would not be subject to a significant risk of loss, as is the case with the existing dam. The number of personnel present on site would not appreciably change following construction. Operation of the Proposed Project would have no impact with respect to the exposure of people or structures to a significant risk involving wildland fires. No mitigation is required. (Draft EIR, pp. 3.7-17 through 3.7-18.)

Regulatory Compliance Measures

The following RCMs are existing regulations that are applicable to the Proposed Project and are considered in the analysis of potential impacts related to hazards and hazardous materials. The District considers these requirements mandatory; therefore, they are not mitigation measures.

RCM H-1 Vail Dam Emergency Action Plan Update. Consistent with 23 CCR Sections 335.14, 335.16, and 335.20, the District shall provide an updated Emergency Action Plan including information about the proposed dam and appurtenant structures to DSOD for review and approval, which is required prior to DSOD approval of any construction or enlargement application. Following DSOD review and approval, the District shall provide the updated Vail Dam EAP, including any appropriate changes to emergency notification flowcharts, response process, responsibilities, preparedness activities, and inundation maps, to Cal OES for review and approval.

RCM H-2 Coordination with County of Riverside Emergency Management Department. Once the Vail Lake EAP update has been completed and submitted to Cal OES, the District shall transmit relevant information about the new dam, including the revised inundation maps, to the County of Riverside Emergency Management Department for inclusion in the next update to the LHMP.

Mitigation Measures

MM H-1 Demolition Plan. The District shall retain a qualified contractor to conduct pre-demolition surveys and testing for hazardous building materials such as asbestos, lead-based paint, and polychlorinated biphenyls in all structures to be demolished. These results shall be provided to the construction contractor. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations. Prior to the start of construction, the construction contractor shall provide a Demolition Plan to the District's Resident Engineer or designee for review and approval. The Demolition Plan shall include the procedures for removal and disposal of hazardous building materials. All identified hazardous materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures. The construction contractor shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the District's Resident Engineer or designee showing that abatement of hazardous building materials has been completed in full compliance with all applicable regulations. The District's Resident Engineer or designee shall document that the Demolition Plan has been approved prior to authorizing construction initiation and that the requirements of the Demolition Plan have been implemented prior to authorizing the demolition of existing structures.

MM H-2 Construction Contingency Plan. Prior to any demolition or ground-disturbing activities, the construction contractor shall provide a Construction Contingency Plan to the District's Resident Engineer or designee for review and approval. The Construction Contingency Plan shall include provisions for emergency response in the event that unidentified hazardous materials, petroleum hydrocarbons, or hazardous or solid wastes are discovered during construction activities. The Construction Contingency Plan shall address field screening, contaminant materials testing methods, mitigation and contaminant management requirements, and health and safety requirements for construction workers. The construction contractor shall implement the Construction Contingency Plan during all construction activities. During construction, the construction contractor shall cease work immediately if an unexpected release of hazardous substances is found in reportable quantities. If an unexpected release of hazardous substances is found in reportable quantities, the construction contractor shall notify the National Response Center by calling 1-800-424-8802. The Construction Contractor shall clean up any

unexpected releases under appropriate federal, State, and local agency oversight. The District's Resident Engineer or designee shall document that the Construction Contingency Plan has been approved and that the requirements of the Construction Contingency Plan have been implemented prior to final Project acceptance.

MM H-3 Construction Traffic Management Plan. Prior to commencement of grading activities, the construction contractor shall prepare a CTMP to the satisfaction of the District and shall ensure that the plan is implemented during construction with the goal of maintaining acceptable intersection LOS during peak traffic hours and ensuring that construction traffic does not queue on public roadways. The CTMP shall be consistent with the California Temporary Traffic Control Handbook (CATTCH) (previously known as the California Joint Utility Traffic Control Manual). At a minimum, the CTMP shall include, but not be limited to, the following: Provisions for temporary traffic control to improve traffic flow on public roadways and ensure the safe access into and out of the site (e.g., warning signs, lights and devices, and flag person); Prohibiting construction-related vehicles from parking on public streets; Providing safety precautions for pedestrians, equestrians, and bicyclists through such measures as alternate routing and protection barriers; Obtaining any required permits for truck haul routes from the City of Temecula and/or the California Department of Transportation (Caltrans); All emergency access to the Project site and adjacent areas shall be kept clear and unobstructed during all phases of demolition and construction; Flag persons shall be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access.

With implementation of the regulatory compliance measures and mitigation measures listed above, all impacts related to construction and operation of the Proposed Project would be less than significant. (Draft EIR, pp. 3.7-20 through 3.7-22.)

F. TRIBAL CULTURAL RESOURCES

1. Tribal Cultural Resources

Threshold: Would the Project 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 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: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code section 5024.1?

Finding: Less than significant with mitigation incorporated. (Draft EIR, p. 3.13-4.)

Explanation: Native American consultation was conducted in compliance with AB 52. The Rincon Band of Luiseño Indians and Pechanga Band of Luiseño Indians both requested consultation on the Proposed Project. The Rincon Band of Luiseño Indians deferred to the Pechanga Band of Luiseño Indians for Project-related mitigation, potential construction monitoring, and report review. Juan Ochoa (Assistant Tribal Historic Preservation Officer for the Pechanga Band of Luiseño Indians) stated that the Project site is within a Traditional Cultural Property. No specific information regarding tribal cultural resources within the Project site has been provided to the District. However, in the Battle of San Pasqual during the Mexican-American War (December 6, 1846), the Californios killed more than 20 United States soldiers. After the battle, some of the Californios went to a rancho in Pauma Valley, where 11 of them were kidnapped by Luiseño Indians who were sympathetic to Americans. The 11 Californios were eventually killed. In response to this event (known as the Pauma Massacre), a Mexican General ordered José del Carmen Lugo to capture the people responsible for the killing of the Californios. In January 1847, Lugo (along with some Cahuilla Indians) came to the Temecula Valley and killed Luiseño Indians in the canyon in the area of Vail Lake Dam. This event has been called the Temecula Massacre, during which an estimated 38 to 40 Luiseños were killed. The actual number of Luiseño victims of the massacre remains unknown because severe rain and flooding in the canyon soon after the massacre would have made recovery of the victims difficult (LSA 2022d). Because of the proximity of the Project site to the Temecula Massacre site, the District as the Lead Agency has determined that previously unidentified tribal cultural resources that are significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 (including undiscovered human remains) may be present within the Project site. As such, Mitigation

Measure Tribal-1 requires tribal monitoring by a representative from the Pechanga Band of Luiseño Indians during all ground-disturbing activities associated with the Project to avoid and/or mitigate for potential impacts to tribal cultural resources. The Tribal Monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbance activities to allow recovery of cultural resources and tribal cultural resources, in coordination with the Project Archaeologist. Implementation of Mitigation Measure Tribal-1 would reduce the impact of the Proposed Project on the significance of tribal cultural resources to a less than significant level. Because Native American human remains may also be a tribal cultural resource, implementation of Mitigation Measure CUL-3 (as presented in Section 3.3 of the Draft EIR, Cultural Resources) would reduce the potential impact of the Proposed Project on Native American human remains as tribal cultural resources to less than significant.

Mitigation Measures

MM Tribal-1 Native American Monitoring. A representative from the Pechanga Band of Luiseño Indians shall attend the pre-construction meeting and shall be invited to present a Tribal Cultural Resources Awareness Training to construction personnel at the pre-grade meeting. A Tribal Monitor from the Pechanga Band of Luiseño Indians shall be required on site during all ground-disturbing activities, including grading and trenching. the District shall retain a qualified Tribal Monitor(s) from the Pechanga Band of Luiseño Indians. Prior to initiating ground-disturbing activities, the District shall execute a contract between the Pechanga Band of Luiseño Indians and the District for the monitoring of the Project. The Tribal Monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbance activities to allow recovery of cultural resources and tribal cultural resources, in coordination with the Project Archaeologist (as defined in Mitigation Measure CUL-2 provided in Section 3.3, Cultural Resources).

MM CUL-3 Human Remains. In the event that human remains are encountered during any Project work, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County of Riverside (County) Coroner has made a determination of origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. The Riverside County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner would notify the NAHC within 24 hours (per State CEQA Guidelines Section 15064.5(e)), and the NAHC would determine and notify a MLD. With the permission of the landowner or his/her authorized

representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.

No impacts would occur to the significance of a tribal cultural resource (as defined in PRC Section 21074) that is listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k). Mitigation Measure Tribal-1 would reduce potential impacts to previously unidentified tribal cultural resources that are significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 within the Project site to a less than significant level. Mitigation Measure CUL-3, provided in Section 3.3, Cultural Resources, would reduce potential impacts to previously undiscovered Native American human remains to a less than significant level. No significant unavoidable impacts to tribal cultural resources would occur with implementation of these measures.

SECTION IV.
IMPACTS THAN CANNOT BE FULLY MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The District hereby finds that, despite the incorporation of Mitigation Measures identified in the EIR and in these Findings, the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. NOISE

1. Noise Standards

Threshold: Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: Significant and unavoidable. (Draft EIR, p. 3.10-6.)

Explanation: **Construction.** The Noise and Vibration Technical Analysis provides detailed projections of noise generation during and after construction of the Proposed Project. Calculations indicate that although construction traffic noise would fall below the threshold of significance, on-site construction-related short-term noise levels have the potential to be higher than existing ambient noise levels in the Project area under existing conditions. The noise impacts would no longer occur once Project construction is completed. Noise impacts associated with construction activities are regulated by the County's Noise Ordinance. To control noise impacts associated with the construction of the Proposed Project, the County of Riverside has established limits to the hours of operation. Section 9.52.020 of the County's Noise Ordinance indicates that noise associated with any construction activity located within 0.25 mile of an inhabited dwelling is considered exempt between the hours of 6:00 a.m. and 6:00 p.m., during the months of June through September, and between the hours of 7:00 a.m. and 6:00 p.m., during the months of October through May. Although as an independent water district, the District is not subject to the County Noise Ordinance, the District does not have its own adopted noise standards, so this analysis considers consistency with the County standard as one factor of determining potential significance. For the majority of the duration of construction, activities would only occur during daytime hours and construction-related noise impacts would remain below the 90 A-weighted decibels (dBA) Leq 1- hour construction noise level criteria as established by the FTA for residential land uses. However, during a period of 12 weeks nighttime work generating noise levels at the residential uses to the west would range from 49 to 57 dBA Leq and would exceed the nighttime noise level standard of 45 dBA Leq by 12 dBA. Under the assumption that proposed operations would occur near the center of the Flyers Field, even with temporary barriers along the property lines of NexStar Ranch and Rancho Pacifica Ranch, construction-related noise levels at residential uses to the west would be reduced by 0 to 9 dBA given the source heights on heavy construction equipment such as batch plants and cranes. It is possible that a temporary construction barrier may provide more reduction to sources with lower source heights that are close to the barrier. Regardless, these construction-related noise impacts would remain above the 45 dBA Leq exterior noise level standard established by the County for residential land uses during nighttime hours. Although the District is an independent water district and is not subject to County noise regulations, based on the very perceptible and potentially disruptive increase in nighttime noise levels during this phase of construction, impacts are anticipated to be significant. A Regulatory Compliance Measure (RCM N-1) has been identified that would help reduce the impacts; however, there is no feasible way to mitigate

the nighttime noise due to the location of the sensitive residential uses and the types of construction equipment to be used. Therefore, construction-related noise impacts during nighttime hours would remain significant and unavoidable.

Operation. Once construction is complete, there would be no regular or daily traffic associated with the Proposed Project site. Periodically, maintenance vehicles would access the completed dam, but the number of maintenance vehicles accessing the dam would not change compared to existing conditions. As such, an associated noise level increase would be minimal and, therefore, less than significant during Project operation. The Proposed Project would construct facilities to house equipment associated with overhead electrical service provided by Southern California Edison (SCE). All new electrical utility facilities would be designed per SCE standards. Because all equipment would be housed within a concrete building and the building would be approximately 7,000 ft from the nearest receptor, any noise generated would be imperceptible and would be less than significant during Project operation. No mitigation is required.

During the period of 12 weeks during which nighttime work generating noise levels at NexStar Ranch and Rancho Pacifico Ranch approaching 57 dBA Leq will occur, nighttime construction-related noise impacts would be significant and unavoidable, even with compliance with RCM N-1. There is no feasible mitigation to reduce the nighttime construction noise. Vibration during construction would be less than significant. Noise and vibration during Project operation would be less than significant.

Regulatory Compliance Measures

RCM N-1 Although as a special district, the District is not subject to County noise requirements, for consistency with County standards, the District will implement the following measures during construction of the Proposed Project: Prior to the commencement of construction activities, the District will incorporate the following measures as noted on the Project plans to reduce noise impacts and ensure that the greatest distance between noise sources and sensitive receptors during construction activities has been achieved: Construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers consistent with manufacturers' standards; Operations at construction staging areas shall be located away from off-site sensitive uses to the extent feasible; If acceptable to adjacent property owners, to reduce construction noise, it is recommended that the District install temporary noise barriers along the property lines of NexStar Ranch and Rancho Pacifica Ranch or identify and

implement other measures demonstrated through an acoustical study to provide equivalent or superior noise attenuation. It is recommended that the temporary noise barriers be 18 ft in height and constructed of material with a minimum weight of 2 pounds per square foot (sf) with no gaps of perforations. Noise barriers may be constructed of, but are not limited to, 5/8-inch plywood, 5/8-inch oriented strand board, or sound rated blankets. All noise control barrier walls should be designed to preclude structural failure due to such factors as winds, shear, shallow soil failure, earthquakes, and erosion. A typical sound rated blanket support frame would be constructed of steel tubing. The sound rated blankets should have a minimum breaking and tear strength of 120 pounds and 30 pounds, respectively. The sound rated blankets should have a minimum sound transmission classification (STC) of 20 and noise reduction coefficient of 0.70. The sound blankets should be of sufficient length to extend from the top of the frame and drape on the ground/lower wall or be sealed at the ground/lower wall. The sound blankets will have grommets along the top edge with exterior grade hooks, and loop fasteners along the vertical edges with overlapping seams, with a minimum overlap of 2 inches. All stationary construction equipment shall be placed so that emitted noise is directed away from sensitive receptors nearest the Proposed Project site and/or placed in proximity to temporary noise barriers to achieve the greatest noise reduction, whenever feasible. Consistent with Section 9.52.020 of the County's noise regulations, construction shall be limited, where possible, to the hours between 6:00 a.m. and 6:00 p.m., during the months of June through September, and 7:00 a.m. and 6:00 p.m., during the months of October through May.

Construction-related noise at nighttime would remain significant after implementation of regulatory compliance measures. (Draft EIR, pp. 3.10-8 through 3.10-13.)

SECTION V.
CUMULATIVE IMPACTS

For the purposes of the EIR, a list of past, present, and probable future projects was used in the evaluation of potential cumulative impacts. All proposed, recently approved, under construction, and reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the Proposed Project were evaluated in an EIR. Regarding the Project's potential to result in cumulative impacts, the District hereby finds as follows:

A. AESTHETICS

No impact.

B. AGRICULTURE AND FORESTRY RESOURCES

No impact.

C. AIR QUALITY

Air pollution is inherently a cumulative type of impact measured across an air basin. The incremental effect of projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively considerable. With implementation of Mitigation Measure AQ-1, the Proposed Project's construction- and operation-related regional daily emissions are less than the SCAQMD significance thresholds for all criteria pollutants. In addition, adherence to SCAQMD rules and regulations, including Rule 403, would substantially reduce potential impacts associated with the Proposed Project and basin-wide air pollutant emissions. Therefore, with mitigation, the Proposed Project would not have a cumulatively considerable increase in emissions and the Proposed Project's air quality impacts would not be cumulatively considerable. (Draft EIR, p. 3.1-7.)

D. BIOLOGICAL RESOURCES

Impacts from the Project are primarily associated with construction. Operations and maintenance activities are expected to be substantially similar following construction of the proposed dam; the Project is not anticipated to introduce new edge effects or habitat fragmentation. Construction impacts would include temporary and permanent loss of native vegetation communities (riparian scrub, alluvial fan sage scrub, Riversidian sage scrub), including some jurisdictional waters and wetlands. These impacts would be highly localized and would be mitigated through compliance with the MSHCP, on-site restoration of temporary impact areas, and compensatory mitigation as appropriate. Impacts to threatened and endangered species would occur, including direct loss of Nevin's barberry individuals and potentially direct mortality of Quino checkerspot butterfly larvae, loss of habitat for least Bell's vireo, coastal California gnatcatcher, and southwestern willow

flycatcher, as well as other non-listed species. These impacts would be avoided and minimized to the extent practicable and are not anticipated to jeopardize the continued presence of these species within the area. The MSHCP provides a comprehensive approach to the regional conservation of these habitats and, as a regional plan, serves to provide mitigation for cumulative impacts to covered species. Project compliance and consistency with the MSHCP ensures that any cumulative impacts to covered species are effectively mitigated. Special-status species that are not covered by the MSHCP also benefit from the surveys, conservation, and other measures of the MSHCP because they occupy many of the same habitats. Implementation of MSHCP Standard BMPs and mitigation measures will avoid and minimize impacts to sensitive biological resources. The Proposed Project would not preclude attainment of conservation goals within Proposed Core 7, nor would it adversely affect Public/Quasi-Public Lands consisting of Vail Lake. With mitigation, impacts from the Proposed Project would not be cumulatively considerable. (Draft EIR, p. 3.2-53.)

E. CULTURAL RESOURCES

Potential impacts of the Proposed Project to unknown cultural resources, when combined with the impacts of past, present, and reasonably foreseeable projects in the vicinity of the Proposed Project, could contribute to a cumulatively significant impact due to the overall loss of historical and archaeological artifacts unique to the region. The Proposed Project would not have an impact on historical resources. There is, however, strong potential for subsurface archaeological resources within the Project site. This determination is based on the high number of archaeological resources within 1.0 mile of the Project study area (more than 40, with nearly 30 having a precontact component), and the proximity of the Project site to the Temecula Massacre site. Mitigation Measure CUL-2 requires archaeological monitoring during ground-disturbing construction activities associated with Project construction to avoid and/or mitigate for potential impacts to buried (unknown) archaeological resources. If archaeological resources are encountered during ground-disturbing work, construction activities in the area of the find will stop and the resource will be evaluated for significance. Pre-established procedures would be in place to address any significant finds. All cumulative development projects would require similar review by the District, the County of Riverside, or the City of Temecula. If there were any potential for significant impacts to archaeological resources as a result of present or reasonably foreseeable projects, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When archaeological resources are assessed and/or protected as they are discovered, impacts to these resources are less than significant. As such, implementation of Mitigation Measures CUL-1 through CUL-3 would ensure that the Proposed Project, together with cumulative projects, would not result in a cumulative considerable impact to unique archaeological and historical resources. (Draft EIR, p. 3.3-8.)

F. ENERGY

The potential for cumulative impacts to energy resources was assessed based upon consideration of the Proposed Project in combination with all projects within the SCE and SoCalGas planning areas. Cumulative construction and building development activities throughout the Southern California region are likely to result in the demand for new systems or supplies or substantial alterations to the existing power or natural gas utilities. However, the Proposed Project is consistent with long range planning in the County of Riverside and the region as a whole, the County has policies that require coordination of new development with both SCE and SoCalGas, and both providers have indicated that they can serve the region. Future projects will undergo similar environmental review and coordination with the service providers to determine the extent of power demand. This continual coordination process, coupled with energy use reduction strategies designed to address greenhouse gas emissions, will ensure that the types of development considered are consistent with the service plans of both SCE and SoCalGas. As this Proposed Project is consistent with the County's long-range plans such as the County's General Plan and included in both the SCE and SoCalGas service area plans, the Project's incremental contribution to cumulative energy impacts would not be cumulatively considerable. (Draft EIR, p. 3.4-6.)

G. GEOLOGY AND SOILS

As defined in the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for geology and soils. Typically, geology and soils impacts are specific to a particular project site and there is little, if any, cumulative relationship between the development of a project and development within a larger cumulative area. Moreover, while seismic conditions are regional in nature, seismic impacts on a given project site are site-specific. For example, construction of the replacement dam and ancillary improvements within the Project site would not alter geologic events or soil features/characteristics (e.g., ground shaking, seismic intensity, or soil expansion or compression). Therefore, for geology and soils, the study area considered for the cumulative impact of other projects consisted of (1) the area that could be affected by Proposed Project activities, and (2) the areas affected by other projects whose activities could directly or indirectly affect the geology and soils of the Project site. Improvements to the existing access roads and construction of the Primary Entry Road (50 Acre Parcel) would not result in substantial changes to on-site geology and soils. Therefore, in general, only projects occurring adjacent to or very close to the proposed dam were considered. None of the cumulative projects identified in Table 3.A (Section 3.0) are located adjacent to or in the immediate vicinity of the proposed dam, and therefore they would not contribute to cumulative geology and soils impacts. In addition, the Proposed Project, as well as foreseeable projects, would be required to comply with the applicable State and local requirements, including but not limited to the CBC. Therefore, the Project-specific geology

and soils impacts, as well as the impacts associated with other projects, would be reduced to a less than significant level. Seismic impacts are a regional issue and are also addressed through compliance with applicable codes and design standards. For these reasons, the Project's contribution to geotechnical and soils impacts is not cumulatively considerable. Potential impacts of the Proposed Project to unknown paleontological resources and unique geologic features, when combined with the impacts of past, present, and reasonably foreseeable projects in Riverside County, could contribute to a cumulatively significant impact due to the overall loss of paleontological remains unique to the region. However, each development proposal received by the County is required to undergo environmental review pursuant to CEQA. If there were any potential for significant impacts to paleontological resources or unique geologic features, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When resources are assessed and/or protected as they are discovered, impacts to these resources are less than significant. For these reasons, the Project's contribution to paleontological resource impacts is not cumulatively considerable. (Draft EIR, pp. 3.5-20 through 3.5-21.)

H. GREENHOUSE GAS EMISSIONS

Cumulative impacts are the collective impacts of one or more past, present, or future projects, that when combined, result in adverse changes to the environment. Climate change is a global environmental problem in which: (a) any given development project contributes only a small portion of any net increase in GHGs, and (b) global growth is continuing to contribute large amounts of GHGs across the world. As such, the analysis of impacts related to GHG emissions is inherently cumulative. The Proposed Project would not conflict with applicable statewide, regional, and local climate action measures. Therefore, GHG emissions impacts associated with the Proposed Project would not be cumulatively considerable. No mitigation is required. (Draft EIR, p. 3.6-15.)

I. HAZARDOUS AND HAZARDOUS MATERIALS

The cumulative study area related to hazardous materials is the Project site and immediately adjacent properties, as this reflects the area where potentially additive effects could occur as a result of releases of hazardous materials (e.g., spills of fuels, lubricants, and other substances used during construction; off-site herbicide or pesticide application that may be transported onto the Project site through runoff or subsurface flow). In general, only projects occurring adjacent to or very close to the Project site are considered due to the limited potential impact area associated with release of hazardous materials into the environment. The cumulative study area for hazards and emergency planning is the area within approximately 5 miles of Vail Lake as well as the area within the dam inundation zone for Vail Dam. In the existing condition, buildings to be demolished on the Project site may contain hazardous materials (PCBs, lead-based paint, or asbestos-containing materials), but these materials would not present a hazard until they are disturbed.

Mitigation Measure H-1 addresses the procedures for handling and disposal of these materials prior to demolition activities. The 2022 Phase I ESA by AECOM did not identify any RECs for the Project site based on on-site or off-site conditions. Mitigation Measure H-2 includes standard procedures to address handling and disposal of any previously unknown hazardous materials encountered during excavation. With the exception of hazardous materials transport, the Proposed Project would not create potential significant cumulative impacts off site. Transport of hazardous materials is closely regulated and, with implementation of Mitigation Measures H-1 and H-2, would be adequately monitored to ensure there would be no significant impact to the environment or to human health. In addition, the California Department of Transportation (Caltrans), the California Highway Patrol, and local police and fire departments are trained in emergency response procedures for safely responding to accidental spills of hazardous substances on public roads, further reducing potential impacts. The Proposed Project would implement a CTMP as required in Mitigation Measure H-3 such that emergency response and evacuation would not be impaired. For the reasons identified above, the Proposed Project would not result in a cumulatively considerable impact to hazards or hazardous materials impacts. There are no known projects in the vicinity of the Project site that could be affected by on-site handling of hazardous materials or that could result in significant hazards or hazardous materials impacts at the Project site. The transport of hazardous materials from and to the Project site during construction and operation has the potential to combine with impacts from transport of hazardous materials from other projects in adjacent cities on the State highway system. However, the transport of hazardous materials is subject to strict regulations, and local and State agencies are trained in emergency response procedures. Therefore, the temporary transport of existing hazardous materials and the future transport of household hazardous materials to and from the Project site do not present a cumulatively considerable impact. Operation of the Proposed Project would not increase the exposure of people or structures to risks from wildland fires and would not therefore contribute to cumulative impacts. Although construction would temporarily increase the number of individuals on the Project site that could be exposed to risks from wildland fires, implementation of the CTMP required in Mitigation Measure H-3 would ensure adequate evacuation routes and emergency access. Due to the isolated nature of most of the Project site, the Project-related impacts are not anticipated to result in a cumulative impact in combination with other past, present, or future projects in the area. Therefore, the Project would not contribute to cumulative impacts associated with exposure of people or structures to risks from wildland fires. The Project would reduce the risk of seismic and hydrologic hazards that could otherwise result in dam failure. Therefore, the Project would not contribute to cumulative impacts associated with dam inundation. For the reasons outlined above, implementation of the Proposed Project would not result in a cumulatively considerable impact related to hazards or hazardous materials. (Draft EIR, pp. 3.7-18 through 3.7-19.)

J. HYDROLOGY AND WATER QUALITY

Potential impacts of the Proposed Project to water quality, when combined with the impacts of past, present, and reasonably foreseeable projects in the vicinity of the Proposed Project, could contribute to a cumulatively significant impact. The cumulative study area for water quality includes development in the Santa Margarita Watershed, which is a continuation of the existing urban pattern of development that has already resulted in extensive modifications to watercourses in the area. The area's watercourses have been channelized, and drainage systems have been put into place to respond to the past urbanization that has occurred in this area. For the cumulative analysis related to hydrology and water quality, the cumulative projects being considered include the related projects discharging to the same watershed as the Proposed Project (i.e., Santa Margarita Watershed). Please refer to Table 3.A in Chapter 3.0, Environmental Impact Analysis, for the descriptions and locations of these related projects. Many of the related projects identified by the District, the County, and the City of Temecula, as shown in Table 3.A, Summary of Related Projects, in Chapter 3.0, would likely discharge to the Project's receiving waters (i.e., Temecula Creek, Santa Margarita River [Upper], and Santa Margarita River [Lower]). Each of these related projects could potentially increase the volume of stormwater runoff and contribute to pollutant loading in stormwater runoff reaching the downstream storm drain system and Santa Margarita Watershed, thereby resulting in cumulative impacts to hydrology and surface water quality. New development and redevelopment can result in increased stormwater runoff and increased urban pollutants in stormwater runoff from each of the related project sites. Each related project must include BMPs to reduce impacts to water quality and hydrology in compliance with local ordinances and plans adopted to comply with requirements of the various NPDES permits. Generally, the related projects that disturb 1 acre or more of soil must comply with the requirements of the Construction General Permit and the applicable NPDES MS4 Permit. The preparation and approval of a SWPPP (for construction) and a WQMP (for operation) would be required for each related project to determine appropriate BMPs to minimize water quality impacts. In addition, the preparation and approval of a hydrology report would be required to determine the hydrologic control required to minimize increases in stormwater runoff from each site so they do not exceed existing conditions or result in hydromodification impacts. In addition, the RCFC&WCD, in addition to the County and cities within the Santa Margarita Watershed, review all applicable development projects on a case-by-case basis to ensure that sufficient local and/or regional drainage capacity is available. For example, as specified in Regulatory Compliance Measure RCM WQ-1, a SWPPP would be prepared for the Proposed Project, and construction BMPs detailed in the SWPPP would be implemented during construction, in compliance with the requirements of the Construction General Permit. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Then, as specified in Regulatory Compliance Measure RCM WQ-3, implementation of operational BMPs (i.e., the energy dissipater basin) would prevent substantial additional sources of polluted stormwater runoff being discharged to receiving waters and would target pollutants of concern in stormwater runoff from the Project site. Furthermore, site design measures, such as graveled

(pervious) road surfaces, site grading, v-ditches, and an energy dissipator basin would address stormwater drainage at the Project site. Each related project must consider impaired receiving waters and TMDLs for receiving waters. The TMDL program is designed to identify all constituents that adversely affect the beneficial uses of water bodies and then identify appropriate reductions in pollutant loads or concentrations from all sources so that the receiving waters can maintain/attain the beneficial uses in the Basin Plan. Thus, by complying with TMDLs, a project's contribution to overall water quality improvement in the Santa Margarita Watershed in the context of the regulatory program is designed to account for cumulative impacts. Regional programs and BMPs such as TMDL programs and the MS4 Permit Program have been designed under an assumption that the Santa Margarita Watershed would continue its pattern of urbanization. The regional control measures contemplate the cumulative effects of proposed development. Compliance with these State and regional programs and permits constitutes compliance with programs intended to address cumulative water quality impacts. Each related project would generally be required to develop a SWPPP, a WQMP, and a hydrology report and would be evaluated individually to determine appropriate BMPs and treatment measures to reduce project-specific impacts to surface water quality and hydrology as well as a project's contribution to cumulative water quality impacts during construction and operational activities. Many local storm drain systems are currently at capacity. Other related projects that would discharge stormwater to the same storm drain system as the Proposed Project would have the potential to result in a cumulative impact related to storm drain capacity and flooding. However, stormwater runoff from the Proposed Project would not discharge to a stormwater drainage system; stormwater runoff would either infiltrate within DMAs 2, 3, and 4 or would discharge to receiving waters within DMA 1. The energy dissipater basin would be designed to accommodate the negligible increase in stormwater flows from implementation of the proposed dam within DMA 1, which would be the source of the highest increase in peak stormwater runoff. As specified in Regulatory Compliance Measure RCM WQ-4, the Final Hydrology Report would confirm that the energy dissipater basin is appropriately sized to accommodate the minor increase in peak stormwater flows based on the final design plans. Because the Proposed Project includes proposed operational BMPs and LID principles (i.e., the energy dissipater basin) that would be adequately sized and designed to reduce the negligible increase in stormwater runoff (less than a 1 percent increase), the Project's contribution to hydrologic impacts would not be cumulatively considerable. In summary, because the Proposed Project and other related projects would comply with applicable NPDES requirements and would include construction and operational BMPs to reduce the volume of stormwater runoff and pollutants of concern in stormwater runoff, the cumulative hydrology and water quality impacts of the Proposed Project and the related projects would be less than significant. Therefore, the Proposed Project's incremental hydrology and water quality impacts would not be cumulatively considerable. (Draft EIR, pp. 3.8-29 through 3.8-31.)

K. LAND USE AND PLANNING

As defined in Section 15130 of the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for land use and planning. The cumulative impact area for land use for the Proposed Project is the Vail Lake Policy Area as defined in the County of Riverside SWAP. While a portion of the Upper VDC Recharge Basins is located adjacent to the Vail Lake Policy Area in the neighboring Temecula Valley Wine Country Policy Area - Equestrian District, Project components in this area are limited to access road improvements and staging/disposal areas which would not affect or contribute to cumulative land use impacts. Several development projects are approved and/or pending in the area. Related projects are shown in Table 3.A, Summary of Related Projects, in Chapter 3.0. Each of these projects, as well as all proposed development in the area, would be subject to its own General Plan consistency analysis and would be reviewed for consistency with adopted land use plans and policies. The Property Guidance Document outlines the land use and developments (e.g., recreational facilities, conservation areas, and areas required for lake management actions such as sediment removal) envisioned by the District on its property surrounding Vail Lake. None of the District's projects shown in Table 3.A would change the underlying land use. The area surrounding Vail Lake is characterized primarily by undeveloped areas and conservation property, developed ranch and agricultural properties, and recreational/campground uses. The Vail Lake Policy Area in the SWAP acknowledges the open space, conservation, and recreational opportunities as well as the constraints from steep slopes and limited public facilities in the area. The Proposed Project would not introduce new land uses or substantially change the existing land use on the Project site, which are compatible with the adopted land use plans. The Project is consistent with land use and zoning regulations, the policies of the County General Plan and SWAP, the MSHCP, the Property Guidance Document, and the Upper Santa Margarita River Watershed IRWM Plan Update. No significant land use impacts would occur as a result of the Project; therefore, land use impacts would not be cumulatively considerable. There are no incompatibilities between the Proposed Project and planned future projects. The Proposed Project would not conflict with the SCAG RCP or the County adopted plans, policies, or zoning; or conflict with the MSHCP. All identified adopted and planned projects are required to be reviewed for consistency with adopted land use plans and policies. For this reason, the related projects are anticipated to be consistent with applicable General Plan and zoning requirements, or would be subject to allowable exceptions; further, they would be subject to CEQA, mitigation requirements, and design review. Therefore, the Proposed Project would not have a cumulatively considerable land use compatibility impact in the area, and no mitigation is required. (Draft EIR, p. 3.9-27.)

L. MINERAL RESOURCES

No impact.

M. NOISE

The cumulative area for noise and vibration impacts is the unincorporated area surrounding Vail Lake. The nearest projects with the potential to contribute to a cumulative noise impact would be the District's proposed Well No. 172 within the Upper VDC Recharge Basins, the District's proposed pump station to be constructed on the 50 Acre Parcel, and ongoing operations and maintenance activities. No nighttime earthwork is anticipated for these District projects, although nighttime work for drilling Well No. 172 would be required. This work is not anticipated to occur concurrently with batch plant operations as it is scheduled to begin in early 2023 and be completed before the batch plant is operational. Therefore, although the Proposed Project would result in a significant nighttime noise impact during construction, it would not be exacerbated by cumulative projects in the vicinity. With respect to the remaining projects identified in Section 3.0, all of which are off site, it is not possible to predict whether contiguous or nearby properties may be developed at the same time as the Vail Dam Project. However, it is unlikely that adjacent properties will be developed at the same time as the Project area because of the low density and open space characteristics of the vicinity. In the event that adjacent properties are developed at the same time as the Proposed Project, adherence to the County's provisions that regulate construction activities and other development standards would ensure that potential noise impacts of the Proposed Project would not be cumulatively considerable. (Draft EIR, p. 3.10-8.)

N. POPULATION AND HOUSING

No impact.

O. PUBLIC SERVICES

As defined in the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for public services. As the Proposed Project is located within unincorporated Riverside County, for the purposes of this analysis, the geographic area for potential cumulative impacts on public services is Riverside County. The Proposed Project would not increase Riverside County's population or remove park or recreation facilities, and therefore it would not increase demand for park facilities or other recreational facilities. Therefore, the Proposed Project and the applicable related projects are not expected to result in any significant cumulative impact to the County's size of park and recreational facilities, and the incremental contribution of the Proposed Project to a potentially significant impact would not be cumulatively considerable. (Draft EIR, p. 3.11-5.)

P. RECREATION

No impact.

Q. TRANSPORTATION

As defined in the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects. The cumulative impact area for traffic/transportation is the Proposed Project area as shown in Figure 2-1. Because the Proposed Project is located in a remote area with low traffic volumes, would not result in operational trips, and would not add 50 or more peak-hour trips to an intersection of a Collector (or higher classification) Street and a Collector (or higher classification) Street, the Project's contribution to traffic impacts would not be cumulatively considerable, and no mitigation is required. (Draft EIR, p. 3.12-10.)

R. TRIBAL CULTURAL RESOURCES

Potential impacts of the Proposed Project to tribal cultural resources, when combined with the impacts of past, present, and reasonably foreseeable projects in the vicinity of the Proposed Project, could contribute to a cumulatively significant impact due to the overall loss of tribal cultural resources in the region and in Luiseño territory. The Proposed Project would not have an impact on the significance of a tribal cultural resource (as defined in PRC Section 21074) that is listed or eligible for listing in the California Register, or in a local register of historical resources as defined in PRC Section 5020.1(k). There is, however, potential for the presence of tribal cultural resources that are significant pursuant to criteria set forth in subdivision (c) of PCR Section 5024.1 (including undiscovered human remains) within the Project site. This determination is based on the proximity of the Project site to the Temecula Massacre site and the high number of precontact archaeological resources (30) within 1.0 mile of the Project study area. Mitigation Measure Tribal-1 requires tribal monitoring during ground-disturbing construction activities associated with the Proposed Project. Mitigation Measure CUL-3, as provided in Section 3.3, requires compliance with the California Health and Safety Code for the treatment of human remains (which may also pertain to tribal cultural resources). When tribal cultural resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant. As such, implementation of Mitigation Measure Tribal-1 (as well as Mitigation Measure CUL-3) would ensure that the Proposed Project, together with other projects, would not result in a cumulatively considerable impact to tribal cultural resources. (Draft EIR, p. 3.13-5.)

S. UTILITIES AND SERVICE SYSTEMS

As defined in the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for public services and utilities. The Project site includes Vail Lake and is currently served by utility providers. The cumulative area for utilities is listed below for each individual utility provider.

Solid Waste. The geographic area for the cumulative analysis of solid waste infrastructure is RCDWR's service territory. Although operation of the Proposed Project would not appreciably change solid waste generation compared with existing conditions, construction associated with the Proposed Project would contribute to an increased demand for landfill capacity for solid waste. As stated previously, the landfill serving the Project site would be the Lamb Canyon Landfill, which is not scheduled to close until 2029. Although the Proposed Project would contribute waste during construction, the majority of debris from demolition of the existing dam would be stockpiled for future reuse. Therefore, the Lamb Canyon Landfill has sufficient permitted capacity to provide adequate capacity for the County's solid waste needs, and with compliance with federal, State, and regional statutes and regulations related to solid waste, which require reductions in solid waste generation, the Proposed Project's contribution to solid waste impacts would not be cumulatively considerable, and no mitigation would be required.

Electricity. The geographic area for the cumulative analysis of impacts to the provision of electricity is the service territory of SCE. SCE's service area covers approximately 50,000 square miles spanning Central, Coastal, and Southern California, with a total population of 15 million people. The projections of statewide electricity supply capacity demand rates are cumulative in nature. They are based on population and economic growth in addition to such physical variables as average temperature and water supplies (important to hydroelectric generation) in a given year. The total annual electricity consumption in the SCE service area in 2018 was 83,400 GWh. By 2030, consumption is anticipated to increase by approximately 12,000 GWh for the low-demand scenario and by 22,000 GWh for the high-demand scenario (CEC 2018a). Operation of the Proposed Project would not appreciably increase energy use at Vail Dam. Although the forecast represents a large increase in electricity consumption, the Proposed Project would not contribute to the increase. In relation to the cumulative study area, the Proposed Project would not generate a significant cumulative increase in demand for electricity or a significant disruption in service or service level. Therefore, the Proposed Project's contribution to electricity impacts would not be cumulatively considerable, and no mitigation would be required. (Draft EIR, pp. 3.14-6 through 3.14-7.)

T. WILDFIRE

As defined in the state CEQA guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and reasonably foreseeable projects within the cumulative study area for wildfire. Project impacts, implementation of the proposed project would not result in a significant cumulative impact related to wildfire. The proposed project would not increase the risk of wildfire or introduce new land uses into moderate, high, and very high FHSZ areas. Impacts are limited to the construction period, during which time additional personnel and sources of ignition would be present within high and very high FHSZ areas. The proposed project and all related projects are required to adhere to regional, state, and federal regulations designed to reduce and/or avoid impacts related to wildfire. With compliance with these regulations, impacts related to wildfire would be less than significant. Potential impacts of the proposed project with regard to wildfire, when combined with the impacts of past, present, and reasonably foreseeable projects in riverside county, are not anticipated to contribute to a cumulatively significant impact due to the increased risk of wildfire and impacts to resources and human life as a result of wildfire. Other projects are not anticipated to result in increased fire hazards during construction of the proposed project or require additional personnel in the high and very high FHSZ areas, and therefore would not exacerbate the temporarily changed risk to additional personnel associated with the proposed project. Each development application received by the county is required to undergo environmental review pursuant to CEQA. If there were any potential for significant impacts with regard to wildfire and related risks, an investigation would be required to determine the nature and extent of the resources and identify the appropriate mitigation measures. Therefore, the proposed project's impact related to wildfire would not be cumulatively considerable. (Draft EIR, p. 3.15-13.)

SECTION VI.
FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Sections 15126(c) and 15126.2(c) of the CEQA Guidelines, require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

Section 15126.2(d) of the State CEQA Guidelines requires that an EIR consider and discuss significant irreversible changes that would be caused by implementation of a proposed project. The State CEQA Guidelines specify that the use of nonrenewable resources during the initial and continued phases of a project should be discussed because a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary and secondary impacts (e.g., a highway improvement that provides access to a previously inaccessible area) should also be discussed because such changes generally commit future generations to similar uses. Irreversible damage can also result from environmental accidents associated with a project and should be discussed.

The types and level of development associated with the Proposed Project would consume limited, slowly renewable, and nonrenewable resources. This consumption would occur during construction of the Proposed Project and would continue on a reduced scale throughout the operational lifetime of the Proposed Project. The development of the Proposed Project would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of materials, equipment, and people to and from the project site.

Construction of the Proposed Project would require consumption of resources that are not replenishable or that may renew so slowly as to be considered nonrenewable. These resources would include aggregate materials used in RCC, fly ash, concrete, metals (e.g., steel, copper, and lead), petrochemical construction materials (e.g., plastics), and water. Construction of the Proposed Project would require electricity to power some construction-related equipment. Construction of the Proposed Project would not involve the consumption of natural gas. Transportation energy use during construction would occur from the transport and use of construction equipment, delivery vehicles and haul trucks (particularly when importing aggregate materials), and construction worker vehicles that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Water, which is a limited, slowly renewable resource, would also be consumed during construction of the Proposed Project. However, given the temporary nature of construction activities, water consumption during construction would result in a less than significant impact on water supplies.

Energy use consumed during operation of the Proposed Project would be associated with electricity consumption. The Proposed Project would also require a diesel emergency backup generator; however, diesel consumption associated with the emergency backup generator is expected to be minimal and would nominally increase annual diesel fuel use in Riverside County. Energy consumption associated with the operation of the Proposed Project would replace the currently ongoing electricity consumption occurring at Vail Dam. Energy resources would be used for dam operations, transportation, and lighting. See Section 3.4, Energy, of the Draft EIR for a discussion on energy consumption and potential impacts of the Proposed Project.

Operation and maintenance of the Project would involve transport, use, and disposal of small quantities of hazardous materials or wastes associated with routine maintenance of dam facilities and associated ancillary structures. The District is required to ensure that hazardous materials are used and stored in accordance with applicable regulations, and the District and contracted solid waste disposal providers are required to ensure that such materials are disposed of at appropriate facilities. Such materials would be used, handled, stored, and disposed of in accordance with applicable government regulations and standards that would serve to protect against a significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In summary, construction and operation of the Proposed Project would commit the use of slowly renewable and nonrenewable resources and would limit the availability of these resources on the Project site for future generations or for other uses during the life of the Proposed Project. However, the continued use of such resources during operation would be on a relatively small scale and consistent with regional and local development goals for the area as well as with existing operations. As a result, the use of nonrenewable resources in this manner would not result in significant irreversible changes to the environment under the Proposed Project. (Draft EIR, pp. 5-3 through 5-4.)

SECTION VII.
GROWTH-INDUCING IMPACTS

Section 15126.2(e) of the State CEQA Guidelines requires a Draft EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(e), a Project would be considered to have a growth-inducing effect if it would:

- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;

- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or

- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines state that growth inducement must not be assumed.

1. Remove Obstacles to, or Otherwise Foster, Population Growth

The area surrounding the Project site is primarily undeveloped with a mix of agricultural, open space-rural, conservation, rural mountainous, and rural residential land uses. However, limited population growth is feasible within the vicinity of the Project site, as only the surrounding agricultural, rural mountainous, and rural residential land uses permit residential development. Specifically, these land uses only permit single-family residential uses with a minimum lot size of 5 to 10 acres (Riverside County Planning Department 2021). In addition, the surrounding topography includes canyons, steep-sided river gorges, and moderate to steep mountain slopes, which limits substantial population growth. In any event, the Proposed Project would not remove impediments to population growth in the area surrounding the Project site. While the Proposed Project may require water, electricity, and telecommunications lines on site and in the immediate vicinity of the Project site, such improvements would be similar to existing conditions and intended primarily to meet Project-related demand, which would not necessitate substantial utility infrastructure improvements.

Construction of the Proposed Project would generate a substantial number of construction-related jobs. However, the Proposed Project would not promote construction workers relocating their places of residence as a direct consequence of working on the Proposed Project. The work requirements of most construction projects are highly specialized so construction workers remain at a job site only for the limited time in which their specific skills are needed to complete a particular phase of the construction process. In addition, the supply of general construction labor in the region has been stable over recent years. In 2018, there were approximately 105,200 construction jobs in the County. By 2026, construction jobs in the County are projected to increase to approximately 119,000 jobs (13.1 percent increase), suggesting a well-functioning construction job market and available regional labor pool (EDD 2022). Therefore, given the availability of construction workers, the Proposed Project would not induce material population growth from a short-term employment perspective. Furthermore, given that the employment opportunities generated by the construction of the Proposed Project would be filled by people who would commute to the Project site, the potential population growth associated with Project employees would be minimal.

The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam and includes the demolition and replacement of the existing dam. Implementation of the Proposed Project would not include the extension of roads or other infrastructure and would not change the operation of existing land uses on the District property. Vail Lake is primarily utilized for water storage and recreation, and visitors and users of Vail Lake would not be expected to change their places of residence due to implementation of the Proposed Project. The Proposed Project would not generate any new permanent residents on the Project site or result in additional employment opportunities during operation. Therefore, the Proposed Project would not result in substantial indirect growth or create a significant demand for housing or services in the project vicinity. (Draft EIR, p. 5-2.)

2. Foster Economic Growth

The Proposed Project would generate a substantial number of construction-related jobs which could foster regional economic growth. However, the Proposed Project would not change the number of employees working on site during operation and is not expected to attract additional recreational users of Vail Lake as a result of Project implementation; therefore, Project operation is unlikely to aid in economic growth. (Draft EIR, p. 5-3.)

3. Other Characteristics

The Project is the remediation of seismic and hydrologic hazards at the existing Vail Dam. It does not include construction of new homes or businesses and does not include extension of roads or other infrastructure. Therefore, the Project would not directly increase the regional population beyond existing levels. (Draft EIR, p. 5-3.)

SECTION VIII.
ALTERNATIVES

A. BACKGROUND

The Draft EIR analyzed three alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The District finds that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

> (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

> (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

> (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

B. PROJECT OBJECTIVES

The following objectives have been established for the Project (Draft EIR, p. 2-45):

- Ensure that Vail Dam will pass the PMF through the spillway without overtopping.
- Ensure that Vail Dam will withstand the MCE without resulting in catastrophic dam failure.
- Maintain the current capacity of Vail Lake to ensure adequate water supply and maintain reliability throughout the District's service area.
- Utilize the District resources in a cost-effective and responsible manner.
- Maintain a locally based and cost-effective water supply that continues to support local agriculture.
- Provide a climate change buffer with both the ability to capture less frequent, but more intense, storms and act as a buffer against drought conditions.
- Provide passive flood control for downstream Temecula Creek.

C. ALTERNATIVES CONSIDERED BUT REJECTED FROM DETAILED ANALYSIS

Section 15126.6(c) of the State CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but rejected as part of the environmental analysis for the Project:

- Alternative Sites; and
- Engineering Options.

Finding: The District rejects these alternatives, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternatives would not achieve the objectives of the Proposed Project and would not alleviate the seismic or hydrologic risks; (2) the alternatives would likely not further reduce any of the proposed project's significant impacts; and (3) the alternatives are technically, financially, and legally infeasible given that it was estimated to cost $18.6 million more than the proposed action and, therefore, are not the most cost-effective options. Thus, these alternatives are eliminated from further consideration. (Draft EIR, p. 4-6 through 4-7.)

D. EVALUATION OF ALTERNATIVES SELECTED FOR ANALYSIS

The alternatives selected for further detailed review within the EIR focus on alternatives that could potentially reduce the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- **Alternative 1: No Project/No Build Alternative (Draft EIR, pp. 4-11 through 4-18.)**
- **Alternative 2: North Access Road Design Option (Draft EIR, pp. 4-19 through 4-20.)**
- **Alternative 3: Oak Mountain Road Construction Access (Draft EIR, pp. 4-20 through 4-22.)**
- **Alternative 4: RCC Batch Plant Canyon Location (Draft EIR, pp. 4-22 through 4-25)**

1. Alternative 1: No Project/No Build Alternative

Description: The No Project/No Action Alternative would leave Vail Dam in its current condition; no improvements would be made. The existing dam has been determined, by DSOD and through independent evaluation by URS Corporation (URS), to be hydrologically and seismically deficient. The existing spillways are not sufficient to pass the PMF without overtopping the dam. During a PMF, it was determined that the dam would be overtopped by 4 ft. This overtopping of the dam could undermine the dam foundation and could lead to catastrophic failure. In addition, existing outlets do not have the capacity to lower the maximum storage depth of the reservoir by 10 percent within 7

days, as required by DSOD for emergency operations. Seismic evaluations confirmed that there are significant areas of tensile stresses that exceed the estimated capacity of the concrete during the maximum credible earthquake. This overstressing could result in multiple cracks in the dam structure and result in catastrophic dam failure. Catastrophic dam failure would result in release of the 43,000 ac-ft of impounded water, leading inevitably to major flooding of downstream areas extending from the dam to the Pacific Ocean. This flooding would have potential for loss of life as well as other safety threats to the 22,645 people residing in the flood inundation area, as well as damage to infrastructure, loss of water storage, and loss of lifelines. As a result of these deficiency determinations, DSOD is requiring the District to address both seismic and hydrologic deficiencies. The No Action Alternative would leave these deficiencies unaddressed, and hazards of catastrophic dam failure with downstream flooding would remain. In addition, the District would be out of compliance with DSOD's requirements. The No Project/No Action Alternative is not feasible, but it is included as the baseline for comparing the effects of the Proposed Action and Alternatives.

Impacts: The No Project/No Action alternative would not entail construction of new facilities, removal of existing facilities, or substantial changes to operations and maintenance. Impacts associated with operation of the Proposed Project and the No Project/No Action Alternative would be essentially the same. Unlike with the Proposed Project, there would be no construction impacts under this alternative, including to air quality and greenhouse gas emissions, biological resources, cultural resources, energy, geology and soils, hazardous materials, hydrology and water quality, noise, public services, transportation, tribal cultural resources, utilities and service systems, and wildfire. Impacts from construction would therefore be less than significant with implementation of the Proposed Project. However, in the event of a substantial spill event or catastrophic dam failure, both of which would be more likely with the No Project/No Action Alternative, the associated clean up and repair activities would result in impacts from use of construction equipment and potentially hauling debris off site for disposal. The following discussion focuses primarily on the potential consequences of a substantial spill event or catastrophic dam failure due to the existing seismic and hydrologic hazards as compared to impacts of construction of the Proposed Project.

Air Quality. The Proposed Project would result in impacts to air quality during construction as a result of construction activities and vehicle trips; however, these impacts would not be significant with implementation of Mitigation Measure AQ-1, which would require off-road construction equipment to meet the minimum application of EPA Tier 4 engine standards or equivalent. The No Project/No Action Alternative would not directly result in additional air pollutant emissions related to grading, construction, additional vehicle trips, and operational uses, and no air quality impacts would occur. Therefore, although the Proposed Project would result in less than significant air quality impacts during construction, the No Project/No Action Alternative's impacts on air quality would

be less than the impacts associated with the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, it is anticipated that substantial work would be needed to clear debris and conduct repairs using a variety of construction equipment, resulting in pollutant emissions. Catastrophic dam failure could result in a much greater area affected compared with the Proposed Project due to downstream flooding and structural damage, with the potential for longer and more intense activities associated with clean up and reconstruction, and correspondingly more severe impacts to air quality when compared with the Proposed Project. However, given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether air quality impacts would be greater or less than those associated with the construction of the Proposed Project, or whether impacts would be significant after mitigation.

Biological Resources. The Proposed Project would result in impacts to biological resources, including temporary and permanent habitat loss, loss of endangered species (Nevin's barberry), impacts to waters and wetlands, and indirect effects from noise and air quality impacts during construction. These impacts would be less than significant with implementation of Regulatory Compliance Measure Bio-1 and Mitigation Measures Bio-1 through Bio-13. The No Project/No Action Alternative does not entail construction of any new structures or substantial changes to existing access roads. Therefore, although the Proposed Project would result in less than significant biological resources impacts during construction, the No Project/No Action Alternative's impacts on biological resources would be less than the impacts associated with the Proposed Project. The No Project/No Action Alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, sensitive biological resources present within the canyon along Temecula Creek, including special status species and native habitat, would be affected, potentially including direct loss of plants and wildlife from flooding or debris flows, loss of riparian habitat surrounding Vail Lake if the water level decreases rapidly and is not replenished, impacts associated with clean up and repair activities, and indirect impacts to habitat from changes in water regime as routine water releases could be affected due to damaged facilities. The potential impacts associated with a substantial spill event or dam failure are anticipated to be greater than those associated with the Proposed Project.

Cultural Resources. The Proposed Project would not adversely impact any known significant cultural resources but does have the potential to disturb unknown subsurface resources during construction. Impacts would be less than significant with implementation of Mitigation Measure CUL-1, which requires the evaluation of LSA-RCW1902-S-3 if it would be affected by the Proposed Project, Mitigation Measure CUL-2, which requires archaeological monitoring during construction, and Mitigation Measure CUL-3, which provides appropriate procedures for addressing any discovery of human remains. The No Project/No Action Alternative does not entail construction of any new structures or substantial changes to existing access roads. Therefore, although the Proposed Project would result in less than significant cultural resources impacts during construction, the No Project/ No Action Alternative's impacts on cultural resources would be less than the impacts associated with the Proposed Project. Because this alternative would not reduce the risk associated with the existing seismic and hydrologic hazards, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, surface and subsurface cultural resources would have the potential to be disturbed as a result of water and debris flow as well as subsequent clean up and repair activities. Given the uncertainty with the damage associated with potential future spills or dam failure, and specifically not knowing the potential extent of ground-disturbing activities or possible impacts to existing historical structures downstream, it is speculative to provide a meaningful comparison of impacts between this alternative and the Proposed Project.

Energy. The Proposed Project would require energy during construction, primarily in the form of fuel and electricity, but would not substantially alter the energy use associated with the operation of Vail Dam. Impacts would be less than significant. The No Project/No Action Alternative would not directly result in additional energy use related to grading, construction, additional vehicle trips, and operational uses, and no impacts would occur related to energy use. Therefore, although the Proposed Project would result in less than significant energy impacts during construction, the No Project/No Action Alternative's impacts on energy could be less than the impacts associated with the Proposed Project. However, because this alternative would not reduce the risk associated with the existing seismic and hydrologic hazards, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, energy use in the form of fuel and electricity would be required for subsequent clean up and repair activities. Given the uncertainty with the damage associated with potential future spills or dam failure, it is speculative to predict the amount of energy that would be required or to provide a meaningful comparison of impacts between this alternative and the Proposed Project. However, it is unlikely that the No Project/No Action Alternative would result in significant impacts related to energy.

Geology and Soils. The Proposed Project has been designed in consideration of local geologic conditions, including seismicity, stability of geologic units, landslide potential, and expansive soils. The Project would remediate seismic hazards associated with the existing dam and would be designed to withstand the MCE. The Proposed Project site is in an area previously determined as sensitive for paleontological resources; therefore, it is possible that ground-disturbing construction activities could impact significant previously undiscovered paleontological resources. With implementation of Mitigation Measure PAL-1, which requires development and implementation of a Paleontological Resources Impact Mitigation Program, and Mitigation Measure PAL-2, which requires paleontological monitoring during construction in paleontologically sensitive areas, impacts to paleontological resources would be less than significant. The No Project/No Action Alternative would not introduce new risks associated with geologic conditions but would not remediate the existing risks associated with strong seismic ground shaking. This alternative is not anticipated to result in impacts to paleontological resources. Therefore, the No Project/No Action Alternative's impacts to paleontological resources would be less than the impacts associated with the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards, and the potential for a substantial spill event or catastrophic dam failure would remain. Although the extent of damage and loss downstream in the event of a substantial spill event or catastrophic dam failure cannot be predicted, the failure to remediate known seismic hazards to the dam facilities would result in greater impacts associated with geologic conditions when compared to the Proposed Project.

Greenhouse Gas Emissions. The Proposed Project would result in impacts associated with greenhouse gas emissions during construction as a result of construction activities and vehicle trips; however, these impacts would not be significant. The No Project/No Action Alternative would not require new grading or construction on the Project site, and this alternative would not increase greenhouse gas emissions from construction or additional vehicle trips. Therefore, although the Proposed Project would result in less than significant greenhouse gas impacts during construction, the No Project/No Action Alternative's impacts on greenhouse gas emissions would be less than those of the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, it is anticipated that substantial work would be needed to clear debris and conduct repairs using a variety of construction equipment, resulting in greenhouse gas emissions. Catastrophic dam failure could result in a much greater area affected compared with the Proposed Project due to downstream flooding and structural damage, with the potential for longer and more intense activities associated with clean up and reconstruction, and correspondingly greater amounts of greenhouse gas emissions when compared with the Proposed Project. However, given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether greenhouse gas emissions would be greater or less than those associated with the construction of the Proposed Project, or whether impacts would be significant after mitigation.

Hazards and Hazardous Materials. The Proposed Project would not result in significant impacts associated with proximity to known hazardous materials sites or as a result of handling of hazardous substances. Impacts associated with the demolition of structures that may contain lead-based paint, PCBs, or asbestos-containing materials would be less than significant with the implementation of Regulatory Compliance Measures RCM H-1, requiring an update to the Vail Dam Emergency Action Plan, and RCM H-2, requiring Coordination with the County of Riverside Emergency Management Department, as well as Mitigation Measure H-1, requiring a Demolition Plan, Mitigation Measure H-2, requiring a Construction Contingency Plan to address hazardous materials handling, and Mitigation Measure H-3, requiring a Construction Traffic Management Plan. The Proposed Project would remediate existing seismic and hydrologic hazards at Vail Dam, reducing the risk of loss associated with these hazards. The No Project/No Action Alternative would not directly result in impacts associated with hazardous materials, as no demolition or construction would occur. Impacts associated with hazardous materials would be similar to the Proposed Project. However, because this alternative would not alleviate the existing seismic and hydrologic hazards at Vail Dam, and the risk of substantial spill events or catastrophic dam failure would remain, it is considered to result in a greater impact with respect to hazards than the Proposed Project.

Hydrology and Water Quality. The Proposed Project would result in an overall increase in impervious surfaces but would incorporate appropriate Low Impact Development features and Best Management Practices (BMPs) to ensure that water quality is protected. No significant impacts would occur after implementation of Regulatory Compliance Measures RCM WQ-1, requiring compliance with the Construction General Permit, RCM WQ-2, requiring a Groundwater Dewatering Permit, RCM WQ-3, requiring a Final Water Quality Management Plan, and RCM WQ-4, requiring a Final Hydrology and Hydraulic Analysis. The No Project/No Action Alternative would not include grading or construction and would therefore result in less impacts than the Proposed Project. However, because this alternative would not reduce the risk associated with the existing seismic and hydrologic hazards, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, possible damage to facilities downstream of the dam would have the potential to adversely affect water quality, including through deposition of materials into the storm drain system, damage to the system itself, damage to facilities storing possible contaminants, and impacts associated with clean up and repair activities. However, given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether hydrology and water quality impacts would be greater or less than those associated with the construction of the Proposed Project, or whether impacts would be significant after mitigation.

Land Use and Planning. The Proposed Project would not result in significant impacts related to land use and planning. It is consistent and does not conflict with relevant policies of the Southern California Association of Governments Regional General Plan, the Riverside County General Plan, the Western Riverside County Multiple Species Habitat Conservation Plan, the District's Vail and Sundance Ranch Property Final Property Guidance Document (Property Guidance Document), and the Upper Santa Margarita Watershed Integrated Regional Water Management Plan. Regulatory Compliance Measures RCM LU-1 and RCM LU-2 would be implemented to address design of the intersection of the Primary Entry Road (50 Acre Parcel) with De Portola Road and to comply with the Light Pollution Ordinance. The No Project/No Action Alternative would not include construction of a replacement dam and would not remediate of existing seismic and hydrologic hazards. The existing facilities are not in conflict with land use regulations, but this alternative would not further several of the policies in the Riverside County General Plan Safety Element and the District Property Guidance Document. Land use impacts for this alternative are anticipated to be similar to the Proposed Project.

Noise. As stated in Section 4.2.3.2, even with implementation of Regulatory Compliance Measure RCM N-1 to comply with the Riverside County noise standards to the extent feasible, the Proposed Project would result in significant and unavoidable impacts during the 12-week period when the RCC batch plant would operate during both day and night hours. Other noise impacts would be less than significant after implementation of RCM N-2 (requiring a blasting plan) and RCM N-1. The No Project/No Action Alternative would not require new grading or construction on the Project site, and this alternative would not increase noise from construction or additional vehicle trips. Therefore, the No Project/No Action Alternative's impacts related to noise during construction would be less than those of the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, it is anticipated that substantial work would be needed to clear debris and conduct repairs using a variety of construction equipment, resulting in noise impacts. Catastrophic dam failure could result in a much greater area affected compared with the Proposed Project due to downstream flooding and structural damage, with the potential for longer and more intense activities associated with clean up and reconstruction, and correspondingly greater areas affected by noise when compared with the Proposed Project. It is not known whether nighttime noise impacts would occur. However, given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether noise impacts would be greater or less than those associated with the construction of the Proposed Project, or whether impacts would be significant after mitigation.

Public Services. The Proposed Project would result in less than significant impacts to parks and recreation facilities and would not conflict with the Vail Lake Recreation Management Plan. Temporary closure of the Flyers Field would be required during construction; however, as this is not a public park and as it would be restored to its existing uses following construction, impacts would be less than significant. The No Project/No Action Alternative would not require new grading or construction on the Project site. Although the Proposed Project impacts would be less than significant, because the No Project/No Action Alternative would not require closure of the Flyers Field, it would have less impacts to recreation facilities when compared to the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, recreational activities at Vail Lake or downstream areas could be adversely affected, potentially including temporary closures during clean up and repair activities. However, given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether impacts to recreation would be greater or less than those associated with the construction of the Proposed Project.

Transportation. The Proposed Project would result in additional vehicle trips during construction and includes the construction of the Primary Entry Road (50 Acre Parcel) to provide access to the Project site from De Portola Road. Detours or temporary closures of local pedestrian and equestrian trails may be required during construction. These impacts would be less than significant and would be further reduced through implementation of the Construction Traffic Management Plan required pursuant to Mitigation Measure H-3. The No Project/No Action Alternative would not include construction of the Primary Entry Road (50 Acre Parcel), although it would not preclude future construction of an additional access road. This alternative would not increase vehicle trips or affect local pedestrian or equestrian trails. Therefore, although the Proposed Project would result in less than significant transportation impacts during construction, the No Project/No Action Alternative's impacts on transportation could be less than those of the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, downstream transportation facilities could be damaged and require temporary detours or closure during clean up and repair. However, given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether impacts to transportation would be greater or less than those associated with the construction of the Proposed Project.

Tribal Cultural Resources. The Proposed Project would have the potential to affect unknown subsurface tribal cultural resources due to the level of cultural sensitivity of the Project site. These impacts would be less than significant with implementation of Mitigation Measure CUL-3, which addresses handling of any human remains discovered during construction, and Tribal-1, which requires Native American monitoring during construction. The No Project/No Action Alternative would not require new grading or construction on the Project site, and this alternative is not anticipated to disrupt unknown subsurface tribal cultural resources. Therefore, although the Proposed Project would have less than significant impacts to tribal cultural resources during construction, the No Project/No Action Alternative's impacts could be less than those of the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, it is possible that unknown subsurface tribal cultural resources or other tribal cultural resources downstream of the dam could be exposed or otherwise affected due to water and debris flows or during clean up and repair activities. However, given the uncertainty over the extent of damage associated with potential future spills or dam failure, as well as the unknown extent of any subsurface tribal cultural resources, it is speculative to predict whether impacts would be greater or less than those associated with the construction of the Proposed Project.

Utilities and Service Systems. The Proposed Project would require disposal of waste generated by demolition activities and potentially during preparation of the dam foundation, as well as relocation of existing electrical facilities (power poles and lines). The Project site is served by landfills with adequate capacity, and all electrical relocation would be conducted in consultation with Southern California Edison consistent with applicable standards. Impacts would be less than significant. The No Project/No Action Alternative would not directly generate additional waste requiring off-site disposal and would not require relocation of power lines; therefore, impacts would be less than those of the Proposed Project. However, because this alternative would not reduce the risk associated with the existing seismic and hydrologic hazards, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a significant spill or dam failure, it is possible that additional solid waste would require disposal at local landfills, and that electrical facilities downstream of the dam could be damaged. Given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether impacts to utilities and service systems would be greater or less than those associated with the construction of the Proposed Project.

Wildfire. The Proposed Project would temporarily increase the number of personnel and potential sources of ignition within wildfire hazard areas. Impacts would be less than significant. The No Project/No Action Alternative would not require new grading or construction on the Project site, and this alternative would not increase the number of

personnel and potential sources of ignition within wildfire hazard areas. Therefore, although the Proposed Project would result in less than significant wildfire impacts, the No Project/No Action Alternative's impacts on wildfire would be less than those of the Proposed Project. This alternative would not reduce the risk associated with the existing seismic and hydrologic hazards; therefore, the potential for a substantial spill event or catastrophic dam failure would remain. In the event of a substantial spill event or catastrophic failure of the dam, it is possible that water reserves in Vail Lake would not be available as a firefighting resource, or that there would be reduced availability until repairs are completed. Given the uncertainty over the extent of damage associated with potential future spills or dam failure, it is speculative to predict whether wildfire impacts would be greater or less than those associated with construction of the Proposed Project, or whether impacts would be significant.

Overview of Potential Impact/Comparison to Proposed Project: Under the No Project/No Action Alternative, direct impacts would generally be similar to or less than the Proposed Project. The No Project/No Action Alternative would not result in the significant and unavoidable noise impacts associated with nighttime construction that would occur with implementation of the Proposed Project. However, because this alternative does not reduce the risk associated with the existing seismic and hydrologic hazards, it has the potential to result in greater impacts to biological resources, air quality, cultural resources, energy, paleontology, greenhouse gas emissions, hazardous materials, land use, noise, public services, transportation, tribal cultural resources, utilities and service systems, and wildfire. It is speculative to make a determination about potential impacts associated with a substantial spill or catastrophic dam failure; therefore, for the purposes of the EIR, overall impacts are considered to be reduced under this alternative.

Attainment of Project Objectives: The No Project/No Action Alternative would not attain most of the Project objectives. It would not ensure that Vail Dam would pass the PMF through the spillway or would withstand the MCE, and it would not utilize the District's resources in a cost-effective and responsible manner. The No Project/No Action Alternative would not reduce the capacity of Vail Lake but might not ensure reliability as the seismic and hydrologic hazards would remain. Similarly, it is uncertain whether this alternative would maintain a locally based and cost-effective water supply, provide a climate change buffer for more intense storms and for drought conditions, or provide passive flood control for downstream Temecula Creek.

Finding: The District rejects Alternative 1: No Project/No Build Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet most of the Project objectives; (2) this alternative does not reduce the risk associated with the existing seismic and hydrologic hazards, it has the potential to result in greater impacts to biological resources, air quality, cultural resources, energy, paleontology, greenhouse gas emissions, hazardous materials, land use, noise, public services, transportation, tribal cultural resources, utilities and service

systems, and wildfire; and (3) the alternative is infeasible as the seismic and hydrologic hazards would remain and it is uncertain whether this alternative would maintain a locally based and cost-effective water supply, provide a climate change buffer for more intense storms and for drought conditions, or provide passive flood control for downstream Temecula Creek.

2. Alternative 2: North Access Road Design Option

Description: The North Access Road Design Option Alternative would re-route a short segment of the North Access Road around an existing seasonal pond that provides habitat for versatile fairy shrimp (*Branchinecta lindahli*). Protocol focused surveys did not detect threatened or endangered species of fairy shrimp within this seasonal pond; therefore, avoidance of this resource is not anticipated to be required. Because consultation with the USFWS and RCA has not yet been concluded, this alternative has been carried forward as an avoidance option in the event that the resource agencies determine there may be an impact to listed species. Because this alternative would impact additional native habitat rather than the existing road, and because of potential impacts to cultural resources, it was not carried forward as part of the Proposed Project. This alternative represents a minor change to the overall Proposed Project. No changes would occur to the construction of the dam, length of the North Access Road, improvements to other access roads, or construction staging and laydown areas, and the alternative would not affect the construction methodology, schedule, or equipment to be used. No changes to operation of the Proposed Project would occur. The North Access Road would provide the same level of connectivity, and there would be no substantial changes to the amount of grading or new impervious areas. No hazardous materials are known to occur in proximity to the area, and the alternative would be located within the same geologic unit as the existing road. Therefore, the only environmental analysis with the potential to differ from the Proposed Project would be biological resources, cultural resources, and tribal cultural resources. The environmental analysis that follows focuses on these topics.

Impacts: **Biological Resources**. As documented in the Western Riverside County MSHCP Consistency Analysis and Biology Report (LSA 2022, Appendix C), construction of the North Access Road under the Proposed Project would impact a seasonal pond that is approximately 0.07 acre and would impact disturbed areas and Riversidian sage scrub habitat. These impacts would be less than significant with implementation of mitigation. If implemented, the North Access Road Design Option Alternative would increase permanent impacts to Riversidian sage scrub by 0.15 acre and decrease permanent impacts to disturbed areas by 0.16 acre and would reduce permanent impacts to the seasonal pool. The reduction in impacts to the seasonal pond would be offset by the increased impacts to Riversidian sage scrub, which is a native vegetation community that provides habitat for a variety of special-status species. Therefore, unless it is determined that the seasonal pond provides habitat for threatened or endangered species, impacts to biological resources under this alternative would be greater than with the Proposed Project, although they are

anticipated to be less than significant with mitigation. In the event it is determined that threatened or endangered species are present within the seasonal pond, impacts to threatened or endangered species would be reduced through the implementation of the North Access Road Design Option Alternative.

Cultural Resources/Tribal Cultural Resources. The cultural resources investigation conducted for the Proposed Project identified a resource in proximity to the North Access Road Design Option Alternative. This resource is not present within the existing access road and would not be affected if the Proposed Project is implemented. However, the extent and significance of this resource is unknown. Mitigation Measure CUL-1 in Section 3.3 of the Draft EIR has been identified, which would require evaluation of this resource for significance. If the resource is determined to be significant, and if present within the alternative alignment, avoidance or preservation in place of the resource would be required. Implementation of this measure, along with Mitigation Measure CUL-2, requiring archaeological monitoring, and Tribal-1, requiring Native American Monitoring, impacts to cultural resources and tribal cultural resources are anticipated to be less than significant. Although impacts under this alternative would be less than significant, they are anticipated to be greater than those associated with the Proposed Project.

Overview of Potential Impact/Comparison to Proposed Project: Unless it is determined that threatened or endangered species are present within the seasonal pond along the North Access Road and that no significant cultural or tribal cultural resources are present within the alternative alignment, the North Access Road Design Option Alternative is anticipated to have greater impacts to biological, cultural, and tribal cultural resources when compared to the Proposed Project. All other impacts for the remaining environmental topics would be similar to the Proposed Project.

Attainment of Project Objectives: The North Access Road Design Option Alternative would provide the same benefits as the Proposed Project and would achieve all the project objectives.

Finding: The District rejects Alternative 2: North Access Road Design Option, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to noise impacts associated with nighttime operation; and (2) the alternative would result in increased impacts relating to biological, cultural, and tribal cultural resources.

3. Alternative 3: Oak Mountain Road Construction Access

Description: The Oak Mountain Road Construction Access Alternative would route most deliveries of aggregate, fly ash, and concrete from De Portola Road via Oak Mountain Road to the north side of the Flyers Field. It would require construction of a temporary gate and access from the south side of Oak Mountain Road to the Flyers Field. This would allow more efficient delivery of materials to the RCC batch plant location by reducing the amount of travel over unpaved roads by on-road/highway trucks. Oak Mountain Road is currently a private road not maintained by the County, and use of this road would be subject to obtaining agreements from private property owners. This alternative represents a minor change to the overall Proposed Project. No changes would occur to the construction of the dam, improvements to access roads, or construction staging and laydown areas, and the alternative would not affect the overall construction methodology, schedule, or equipment to be used. No changes to operation of the Proposed Project would occur. There would be no substantial changes to the amount of grading or new impervious areas, and no hazardous materials that would affect the Proposed Project are known to occur in proximity to Oak Mountain Road. As with the Proposed Project, temporary closure of the Flyers Field would be required during construction. Therefore, the only environmental analysis with the potential to differ from the Proposed Project would be air quality, energy, greenhouse gas emissions, noise, and transportation. The environmental analysis that follows focuses on these topics.

Impacts: **Air Quality.** The Proposed Project would result in air quality emissions associated with particulate matter from vehicles traveling over unpaved roads on the Project site. These impacts would be less than significant with compliance with regulatory requirements, including use of water trucks to reduce dust. The Oak Mountain Road Construction Access Alternative would reduce the total number of trips by delivery trucks on unpaved roads, thereby reducing the emissions of particulate matter by those vehicles. Although impacts from the Proposed Project would be less than significant, impacts under the Oak Mountain Road Construction Access Alternative associated with particulate matter emissions are anticipated to be slightly less than the Proposed Project.

Energy and Greenhouse Gas Emissions. The Proposed Project would require use of energy during construction, primarily in the form of fuel and electricity. Greenhouse gas emissions for the Proposed Project are also primarily associated with vehicle trips. By limiting the distance traveled over unpaved roads by vehicles not designed for off-road use, the Oak Mountain Road Construction Access Alternative has the potential to improve the overall fuel efficiency for those delivery trips, reducing energy required and greenhouse gas emissions. In the overall context of project-wide energy use and greenhouse gas emissions, this is not expected to be a substantial change, as the off-road portion of the delivery trips that would be avoided (approximately 0.7 mile) represents a small segment of the distance traveled per trip. Although impacts from the Proposed Project would be less than significant, impacts under the Oak Mountain Road Construction Access Alternative associated with energy use and greenhouse gas emissions are anticipated to be slightly less than the Proposed Project.

Noise. Even with implementation of regulatory compliance measure RCM N-1 to comply with the Riverside County noise standards to the extent feasible, the Proposed Project would result in significant and unavoidable impacts during the 12-week period when the RCC batch plant would operate during both daytime and nighttime hours. Other noise impacts would be less than significant after implementation of RCM N-2 (requiring a blasting plan) and RCM N-1. The Oak Mountain Road Construction Access Alternative would result in the same significant and unavoidable impact as the Proposed Project; however, the daytime construction noise would also occur along Oak Mountain Road. The noise associated with aggregate, fly ash, and cement deliveries would decrease on the Primary Entry Road (50 Acre Parcel) and would instead occur along Oak Mountain Road, potentially affecting two additional residences. Although daytime construction noise impacts would be less than significant, noise impacts from this alternative would affect a greater number of residences and therefore would be slightly greater than impacts associated with the Proposed Project.

Transportation. The Proposed Project includes construction of the Primary Entry Road (50 Acre Parcel), which would provide the primary access point during construction. Aggregate, fly ash, and concrete deliveries are anticipated to access the site via this route and deliver materials to the RCC batch plant via the Pond Access Road. The Primary Entry Road (50 Acre Parcel) would traverse District-owned property and would not serve other residential areas. According to the transportation analysis, construction trips along De Portola Road would not exceed the road capacity or result in significant impacts. With the Oak Mountain Road Construction Access Alternative, a portion of the construction traffic would be re-routed along Oak Mountain Road. Oak Mountain Road is used by residents, who would experience a notable increase in traffic volume during construction. Therefore, although construction traffic would be less than significant, this alternative would affect a shared roadway and an intersection used by local residents and therefore would have slightly greater transportation impacts as compared with the Proposed Project.

Overview of Potential Impact/Comparison to Proposed Project: The Oak Mountain Road Construction Access Alternative is anticipated to have similar overall impacts when compared to the Proposed Project, with a few impacts slightly increased and a few slightly decreased. Impacts to air quality, energy, and greenhouse gas emissions could be incrementally reduced by improving the fuel efficiency associated with aggregate, fly ash, and cement deliveries and by slightly reducing vehicle miles traveled over unpaved roads. This alternative would result in the same significant and unmitigated noise impacts associated with nighttime operation of the RCC batch plant. Daytime noise associated with vehicle trips during construction would occur in additional locations but is not anticipated to be significant.

Attainment of Project Objectives: The Oak Mountain Road Construction Access Alternative would provide the same benefits as the Proposed Project and would achieve all the project objectives.

Finding: The District rejects Alternative 3 Oak Mountain Road Construction Access, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to noise impacts associated with nighttime operation; (2) the alternative would result in increased impacts relating to noise and transportation; and (3) the alternative is infeasible unless the County of Riverside agrees to accept Oak Mountain Road as a County-owned road, as the District does not have an existing easement on the road.

4. Alternative 4: RCC Batch Plant Canyon Location

Description: The RCC Batch Plant Canyon Location Alternative would locate the RCC batch plant at the staging and laydown area at the mouth of the canyon, at the western limit of the Canyon Access Road (see Figure 4-1). Under this alternative, the staging and laydown area at the Flyers Field would be reduced or eliminated, potentially avoiding direct impacts to the existing facilities (depending on the final disposal location for excess foundation spoils). It is anticipated that closure of the Flyers Field would still be required due to construction hazards associated with traffic along the Pond Access Road. Aggregate, fly ash, and cement deliveries would access the Project site via the Primary Entry Road (50 Acre Parcel) and then along the entire length of the Pond Access Road, increasing the off-road distance traveled on unpaved roads by on-road/highway trucks by about 0.6 mile. This alternative represents a minor change to the overall Proposed Project. No changes would occur to the construction of the dam, improvements to access roads, or construction staging and laydown areas, and the alternative would not affect the overall construction methodology, schedule, or equipment to be used. No changes to operation of the Proposed Project would occur. There would be no changes to the amount of grading or new impervious areas, and no hazardous materials that would affect the Proposed Project are known to occur in proximity to either the Flyers Field or the staging and laydown area at the mouth of the canyon. As with the Proposed Project, temporary closure of the Flyers Field would be required during construction. Unlike the Flyers Field, the staging and laydown area is located adjacent to sensitive biological resources. This alternative would not reroute construction trips onto other roadways and therefore would not change impacts associated with transportation. The environmental analysis with the potential to differ from the Proposed Project would be air quality, biological resources, water quality, energy, greenhouse gas emissions, and noise. The environmental analysis that follows focuses on these topics.

Impacts: **Air Quality.** The Proposed Project would result in air quality emissions associated with particulate matter from vehicles traveling over unpaved roads on the Project site. These impacts would be less than significant with compliance with regulatory requirements, including use of water trucks to reduce dust. The RCC Batch Plant Canyon Location Alternative would increase the total distance traveled by delivery trucks on unpaved roads, thereby incrementally increasing the emissions of particulate matter by

those vehicles. Although impacts from the Proposed Project would be less than significant, impacts under the RCC Batch Plant Canyon Location Alternative associated with particulate matter emissions are anticipated to be slightly greater than the Proposed Project but remain less than significant.

Biological Resources. Under the Proposed Project, the RCC batch plant would be located at the Flyers Field, which is not in proximity to sensitive biological resources. Potential impacts to biological resources associated with the RCC batch plant include noise, dust, increased activity, and increased vehicle trips that could affect wildlife movement. If the RCC batch plant is located at the Flyers Field, these impacts would be less than significant. The Proposed Project includes a staging and laydown area at the mouth of the canyon at the western end of the Canyon Access Road. Impacts associated with this feature include temporary loss of alluvial fan sage scrub habitat due to clearing and minor grading of the site, noise and activity associated with use of the area for staging and laydown, and trips to and from the area. Following completion of construction, the staging and laydown area would be revegetated, consistent with applicable mitigation measures. Under the RCC Batch Plant Canyon Location Alternative, the RCC batch plant would be located at the mouth of the canyon, within the staging and laydown area identified for the Proposed Project. Placement of the RCC batch plant within this area would increase the anticipated noise, dust, and vehicle trips at that location. Regulatory Compliance Measure Bio-1 and applicable mitigation measures would be implemented to reduce impacts associated with the use of this site, and impacts would be less than significant. Therefore, although impacts to biological resources would be less than significant, impacts from this alternative would result in more indirect impacts to sensitive biological resources adjacent to the staging and laydown area, and therefore would be slightly greater than impacts associated with the Proposed Project.

Water Quality. The Proposed Project would locate the RCC batch plant at the Flyers Field, which is a lowered area surrounded on all sides by elevated berms (including the Pond Access Road). This topography would provide secondary containment for any runoff and/or accidental spills associated with the RCC batch plant. Construction of the Proposed Project would comply with existing National Pollutant Discharge Elimination System (NPDES) regulations (as specified in Regulatory Compliance Measure RCM WQ-1), which includes preparation of a Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plans and implementation of Construction BMPs to target and reduce pollutants of concern in stormwater runoff, and with the requirements of the Groundwater Discharge Permit (as specified in Regulatory Compliance Measure RCM WQ-2), which includes testing and treatment (if required) of any groundwater prior to discharge to surface waters. With implementation of these requirements, impacts would be less than significant. With the RCC Batch Plant Canyon Alternative, the location of the batch plant would be at the mouth of the canyon, adjacent to riparian scrub and alluvial fan sage scrub associated with Temecula Creek. This staging and laydown area does not have any existing

topographical features that would provide secondary containment of spills or runoff. Compliance with NPDES regulations and the Groundwater Discharge Permit would require more extensive measures to ensure that pollutants and sediment would not contaminate Temecula Creek. Due to the proximity to the creek and the site topography, this location would be less desirable from a water quality perspective; however, impacts would remain less than significant with compliance with regulatory requirements.

Energy and Greenhouse Gas Emissions. The Proposed Project would require use of energy during construction, primarily in the form of fuel and electricity. Greenhouse gas emissions for the Proposed Project are also primarily associated with vehicle trips. By increasing the distance traveled over unpaved roads, the RCC Batch Plant Canyon Location Alternative has the potential to decrease the overall fuel efficiency for those delivery trips, increasing energy required and greenhouse gas emissions. In the overall context of project-wide energy use and greenhouse gas emissions, this is not expected to be a substantial change, as the off-road portion of the delivery trips that would be added (approximately 0.6 mile) represents a small segment of the distance traveled per trip. Although impacts from the Proposed Project would be less than significant, impacts under the RCC Batch Plant Canyon Location Alternative associated with energy use and greenhouse gas emissions are anticipated to be slightly greater than the Proposed Project.

Noise. Even with implementation of Regulatory Compliance Measure RCM N-1 to comply with the Riverside County noise standards to the extent feasible, the Proposed Project would result in significant and unavoidable noise impacts during the 12-week period when the RCC batch plant would operate during both day and night hours. Other noise impacts would be less than significant after implementation of RCM N-2 (requiring a blasting plan) and RCM N-1. The RCC Batch Plant Canyon Location Alternative would increase the distance between the RCC batch plant and the closest sensitive receptors, NexStar Ranch and Rancho Pacifica, by approximately 0.5 mile. While daytime noise impacts would be similar to the Proposed Project, this alternative would not result in a significant and unavoidable noise impact during nighttime construction due to the increased distance from these sensitive receptors. Therefore, impacts under the RCC Batch Plant Canyon Location Alternative would be less than the Proposed Project and would likely reduce the significant and unavoidable impact to a less than significant level.

Overview of Potential Impact/Comparison to Proposed Project: The RCC Batch Plant Canyon Location Alternative is anticipated to have similar overall impacts when compared to the Proposed Project, with a few impacts slightly increased and one notably decreased. Impacts to air quality, energy, and greenhouse gas emissions could be incrementally increased by reducing the fuel efficiency associated with aggregate, fly ash, and cement deliveries and by slightly increasing vehicle miles traveled over unpaved roads. This alternative would reduce the significant and unmitigated noise impact associated with nighttime operation of the RCC batch plant to a level below significance.

Attainment of Project Objectives: The RCC Batch Plant Canyon Location Alternative would provide the same benefits as the Proposed Project and would achieve all the project objectives.

Finding: The District rejects Alternative 4: RCC Batch Plant Canyon Location, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative would result in increased impacts relating to air quality, energy, and greenhouse gas emissions; (2) the Alternative is infeasible due to the proximity of the RCC Batch Plant Canyon Location to existing waterways (Temecula Creek), which would increase the risk that any spills on the site would result in off-site contamination and would require that additional perimeter containment measures be incorporated into the Storm Water Pollution Prevention Plan and (3) Given that the significant and unavoidable noise impact would affect very few sensitive receptors and would be temporary in nature, on balance, the District finds that the increase in impacts to air quality, energy, and greenhouse gas emissions, combined with the increased potential risk from on-site spills associated with placing the RCC Batch Plant in proximity to Temecula Creek, outweighs the potential benefits of eliminating the nighttime noise impacts.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. Based on the alternatives analysis contained within the Draft EIR, the RCC Batch Plant Canyon Location alternative is identified as the Environmentally Superior Alternative. (Draft EIR, p. 4-25.)

SECTION IX.
ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines Section 15093(a), the District must balance, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable environmental risks in determining whether to approve the project. If the specific benefits of the project outweigh the unavoidable adverse environmental effects, those environmental effects may be considered acceptable.

Having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the mitigation measures; having considered the entire administrative record on the project; the District has weighed the benefits of the Project against its unavoidable adverse impacts after mitigation in regards to construction-related noise at nighttime. While recognizing that the unavoidable adverse impacts are significant under CEQA thresholds, the District nonetheless finds that the unavoidable adverse impacts that will result from the Project are acceptable and outweighed by specific social, economic and other benefits of the Project.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the District would be able to stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Records of Proceeding.

The District therefore finds that for each of the significant impacts which are subject to a finding under CEQA Section 21081(a)(3), that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts:

1. The replacement dam would result in increased public safety through better monitoring and mitigation of potential flood events, especially considering that the new PMF level would be below the top of the dam following construction. In addition, the new dam would protect against catastrophic dam failure during an MCE.

2. The Proposed Action would maintain the current capacity of Vail Lake to ensure adequate water supply and maintain reliability throughout the District's service area.

3. The Proposed Action would utilize the District's resources in a cost-effective and responsible manner.

4. The Proposed Action would maintain a locally based and cost-effective water supply that continues to support local agriculture.

5. The Proposed Action would provide a climate change buffer with both the ability to capture less frequent, but more intense, storms and act as a buffer against drought conditions.

6. The Proposed Action would provide passive flood control for downstream Temecula Creek.

7. The Proposed Action would remediate seismic and hydrologic deficiencies at the existing dam as mandated by the DSOD.