

NOTICE OF EXEMPTION

September 17, 2024

Project Name: Approval of Memorandum of Understanding (MOU) and Authorization to Convey Fee Simple Interest in Real Property to the Western Riverside Regional Conservation Authority (WRRCA), Lake Elsinore and Aguanga Areas

Project Number: FM0417200179

Project Locations:

County Property	Assessor Parcel Numbers	Acres
Gritton Habitat	347-020-012	149.16
North Peak Habitat #2	347-020-004, 347-020-008, 347-020-010, 347-020-011, 347-110-066, 347-110-067, 347-110-080, 347-110-081, 347-110-085	336.21
North Peak Habitat #3	346-060-003, -004, -005, -006, -012, -013, -017, -021, -025, -029, -033, -037, -059, -061, -063, -065, -067, -069, -071, -073, -075; 346-080-006; 346-140-003 through -018, -020; 346-150-001 through -021; 346-180-002 through -017; 346-190-010	192.86
White Rock #1 Habitat	347-110-028, -079; 347-340-008, -018, -019, -020, -026, -029; 349-240-063 through -068; 349-270-003	241.60
White Rock #2 Habitat	349-240-071, 349-240-073, 349-240-074, 349-260-005, 349-240-036, 349-240-035, 349-270-004	320.65
White Rock #3 Habitat	349-260-004, 349-240-076, 349-270-006	112.36
Long Beach Equities Habitat	390-110-006, 390-120-016	299.76
Geller #3	581-100-003	166.43
Alberhill Habitat	389-080-060, 390-130-046, 390-130-047, 390-130-048, 390-200-015, 390-200-017, 390-200-018, 390-210-024, 389-080-059, 390-130-045, 390-200-014, 390-200-016, 390-210-018, 390-210-023, and 390-270-008	585.03

Description of Project: Western Riverside County has a diverse ecosystem supporting a wide range of plant and animal species, including 32 currently listed species, with additional listed species anticipated in the future. Riverside County faces the doubling of its population over the next 20-25 years, which will require new infrastructure development. To ensure sensitive species and their habitat are protected in spite of anticipated development, the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) was created. Western Riverside County Regional Conservation Authority (RCA) was created to implement and administer the MSHCP.

The MSHCP is a multi-jurisdictional habitat conservation plan focusing on the conservation of both sensitive species and associated habitats to address biological and ecological diversity conservation needs in Western Riverside County, setting aside undisturbed land for the conservation of sensitive habitats while preserving open space and recreational opportunities. The MSHCP addresses the potential impacts of urban growth, natural habitat loss and species endangerment, and creates a plan to mitigate for the potential losses of covered species and their habitats due to direct and indirect impacts of future development of both private and public lands within the MSHCP Plan Area.

In anticipation of the then forthcoming MSHCP, the County began acquiring real property that possessed important wildlife and habitat value for future inclusion in the MSHCP with funds received from the California Wildlife Conservation Board (WCB) grant programs and funds collected through the MSHCP mitigation fee program (Riverside County Ordinance No. 810).

On April 30, 2024, the Board adopted Resolution No. 2024-059, a Declaration of Exempt Surplus Land and Notice of Intent to Convey Fee Simple Interests in Real Property from County to RCA. The County subsequently sent Resolution No. 2024-059 to the California Department of Housing and Community Development (HCD) as required by the Surplus Land Act. On May 30, 2024, HCD sent a letter to the County acknowledging the County's declaration of exempt surplus land and confirmed the County's compliance with the Surplus Land Act. HCD's letter is attached hereto for reference. The conveyance of Property is identified as the proposed project under the California Environmental Quality Act (CEQA). No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County


Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

Exempt Status: State CEQA Guidelines Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project involve unusual circumstances that could potentially have a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with conveyance of the Property to WRRCA.

Section 15061 (b) (3) – “Common Sense” Exemption: In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The approval of the MOU and the conveyance of the Property is an administrative function and would not result in direct effects. Indirect effects of the conveyance would result in new ownership of the property for conservation. The conveyance would not result in any direct or indirect physical environmental impacts. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Therefore, the County of Riverside hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  _____ **Date:** 9-17-2024
Mike Sullivan, Facilities Management
County of Riverside