

September 16, 2010

State Water Resources Control Board  
Office of Chief Counsel  
Jeannette L. Bashaw, Legal Analyst  
P.O. Box 100  
Sacramento, CA 95812-0100

*Re: Water Quality Certification for Application No. 10C-009, Line D and Line D-1 Realignment (CIP# 8157) Project- Petition for Reconsideration*

Dear Ms. Bashaw:

On behalf of the City of Murrieta ('City'), I enclose for filing with the State Water Resources Control Board (State Board) a Petition for Reconsideration, including Exhibits 1-28 in connection with the San Diego Regional Water Quality Control Boards (RWQCB) August 19, 2010 denial of Water Quality Certification for Application No. 10C-009; Line D and Line D-1 Realignment (CIP# 8157) Project, City of Murrieta, Riverside County California (Exhibit 1).

Due to the fact that the proposed CIP 8157 project is a flood protection project intended to prevent the regular winter storm water flooding of Madison Avenue and Jefferson Avenue, a major arterial and primary route of travel on west side of I-15 between the cities of Temecula and Murrieta, it is requested that you expedite your consideration of this petition to the greatest extent possible. The City of Murrieta is prepared to meet with you or answer any questions you may have at any time.

Sincerely,

Michael K. Jefferson  
BLUE Consulting Group

CC: David Gibson  
Executive Officer  
San Diego Regional Water Quality Control Board  
dgibson@waterboards.ca.gov

Attachments

**BEFORE THE STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD**

In the Matter of Water Quality Certification for the City of Murrieta Line D and Line D-1 Infrastructure Protection and Flood Control Project (CIP# 8157)

The City of Murrieta Petition the State Board for Reconsideration of the San Diego Regional Water Quality Control Board's Denial of request for Water Quality Certification (Application No. 10C-009) pursuant to Section 401(A)(1) of the Federal Clean Water Act

**INTRODUCTION**

By letter, dated August 19, 2010, the Executive Director of the San Diego Regional Water Quality Control Board ("RWQCB") denied the City of Murrieta Line D and Line D-1 Infrastructure Protection and Flood Control Projects (CIP# 8157) January 28, 2010 application for Water Quality Certification (Exhibit 1). This Petition for Reconsideration ("Petition") is filed solely by the City of Murrieta (Petitioner).

The existing Line D and Line D-1 ephemeral unvegetated non-wetland waters of the U.S. are inadequate in terms of both hydraulic capacity and channel bank and bed stability to contain the storm event flows. The existing shallow and narrow earthen channels can contain storm flows from only minor events (less than the 5-year flood event discharge) and two arterial roads (City of Murrieta circulation element designated Major Facilities) are in jeopardy of being washed out and/or seriously damaged during the annual flooding during relatively minor storm events. Likewise, the hydraulic flood plain analysis show that Line D-1 storm flows vary in path between Madison Avenue and Jefferson Avenue and impact both streets at numerous points (Exhibit 2, DBESP P. 2). These two Major Facility Roads are the only North-South connection in the City between Murrieta Creek and Interstate 15 making road closures during storm events a significant safety issue for emergency vehicle response and travel as well as the potential of losing one or both roads prior to being closed. To remove the flood threat to both citizens and public infrastructure, CIP #8157 shall prevent the flooding in the area which results from a current inability to appropriately capture and convey flows From Line D and D-1 under Madison Ave and Jefferson Ave.

As determined through the 19 primary alternative studies completed since 1999, the proposed project is the Least Environmentally Damaging Practicable Alternative. With the capture of the upland and street storm event flooding flows, the creation of 1,600 linear feet of soft bottom open channel within 1.34 acres of habitat (Exhibit 3; Biological Technical Report for the Murrieta Creek MDP Line D Flood Control Facility CIP, BLUE, 7-28-09) the creation of a channel which exhibits positive functions and values as well as an increase of existing Beneficial Uses within the watershed mitigates for the permanent loss of approximately 800 linear feet of existing non-functioning ephemeral unvegetated non-wetland water channel.

The RWQCB based its August 19, 2010 denial on its' incorrect conclusion that *"The benefits to water quality will be minimal and the project has failed to demonstrate that water quality standards will be protected over the life of the project."* See attached RWQCB denial letter (August 19, 2010). It can be shown that the RWQCB arrived at an incorrect conclusion based upon the incorrect comments and inaccurate assumptions which appear to have substantiated the denial.

The documents referenced in this Petition are contained in Petitioner's Compendium of Exhibits, filed concurrently with this Petition ("Compendium"). All such documents are incorporated by reference in this Petition, including all appendices thereof whether or not submitted as an exhibit to the Petition.

For the reasons discussed in this Petition, Petitioner believes that the State Board has before it the CEQA-compliant environmental documentation necessary to evaluate the merits of Petitioner's application for water quality certification.

**I. Name and address of the petitioner**

Patrick Thomas, Director of Public Works/City Engineer. City of Murrieta, 1 Town Square 24601 Jefferson Avenue Murrieta, CA 92562. Telephone: 951-461-6078 Facsimile: 951-461-6034 Email: pthomas@murrieta.org

**II. Specific action which the State Board Review is Requested**

The specific action at issue in this Petition is the improper denial by the State Board Executive Director of Petitioner's 401 certification application for the Project. The State Board's denial letter is Exhibit 1 as filed in support of this Petition.

**III. Date on which the certification action or failure to act occurred;**

The San Diego RWQCB denied the Petitioner's application on August 19, 2010.

**IV. Full and complete statement of reasons why the action was inappropriate or improper;**

The San Diego RWQCB state in the Denial letter dated 8-19-10, that as a result of the proposed Flood Control project "the benefits to water quality will be minimal and the project has failed to demonstrate that water quality standards will be protected over the life of the project. The project would result in significant, long-term and unmitigated adverse impacts to water quality by permanently impacting (filling) 2,450 linear feet of ephemeral streambed of waters of the State".

As a result of the extensive alternative analysis and engineering and biological technical studies completed, it has been shown that the proposed CIP 8157 is the LEDPA which would both improve water quality and protect water quality standards in the future. The application was improperly denied for the following 13 listed RWQCB reasons (as stated in the Denial letter) and the explanation as to why the RWQCB staff's determination is incorrect or not appropriate follows in *italics*.

**Inadequate Avoidance of Impacts**

Comment 1.

The proposed project does not demonstrate adequate avoidance of impacts to waters of the State and U.S.

Response 1.

*The proposed CIP #8157 Flood Control project has been redesigned to be the Least Environmentally Damaging Practicable Alternative through the minimization of impacts to the existing unvegetated non-wetland waters of the U.S. within the problematic overtopping and flooding areas. In order to determine if additional existing sensitive habitat could be preserved in place (relative to the proposed CIP project) while safely ensuring the*

conveyance of flows under Madison Ave and Jefferson Ave. (flood prevention), alternative project alignments and project designs were analyzed by Excel Engineering and BLUE.

Of all the alternatives analyzed and submitted to the RWQCB which relieved the streets from the storm water flows overtopping at Madison Avenue and Jefferson Avenue, this proposed CIP alternative is practicable while it avoids the greatest area of jurisdictional non-wetland waters and linear foot impacts relative to:

- The 12 alternatives proposed in the 1999 Riverside County Flood Control and Water Conservation District (RCFCWCD) report (attachment to DBESP-Exhibit 4),
- The 2006 Line D and Line D-1 Alternative (Consultants Collaborative, 2006; CDFG permit # 1600-2006-0160-R6; Exhibit 5)
- The 2009 alternative which only increased the culvert size (Excel/BLUE 4-8-10; response to ACOE permit application comments-Exhibit 6),
- The 2009 No Pipe Alternative (Exhibit 7 dated 1-22-10 and Exhibit 8 dated 10-29-09, BLUE responses to FWS/CDFG DBESP comments; Excel 6-8-09, Analysis of the Line D-1 Alternative Alignment),
- The 2010 bridge alternative (Exhibit 6 dated 4-8-10, BLUE response to ACOE 404 permit application comments; Exhibit 8 dated 3-24-10, Excel Assessment of Bridge Alternatives of Jefferson Ave. over Line D and Madison over Line D-1),
- The 2010 multiple large detention basin alternative (Exhibit 9 dated 10-28-09, Excel Analysis of the Line D and D-1 Detention Basin Analysis; BLUE 10-29-09, response to FWS/CDFG DBESP comments; Exhibit 10 dated 6-29-10, BLUE response to EPA comments to the ACOE 404 permit application Public Notice).

#### **Riverside County Section 404(b)(1) Alternative Analysis, 1999**

As stated in the Riverside County Section 404(b)(1) Alternative Analysis for the area (attachment to DBESP Exhibit 4, dated 1999);

*...flooding of Jefferson Ave., Madison Ave., and Guava St. poses a significant safety hazard and must be resolved. Only correcting the shortcomings of the infrastructure on Line D where it crossed Jefferson Ave. would not resolve the issue of flooding Madison Ave. at all and due to the infrastructure-overwhelming flows from Line D-1, Jefferson Ave. would likely still continue to be flooded and closed.*

In 1999, the Riverside County Section 404(b)(1) Alternative Analysis and Reporting completed by the Riverside County Flood Control and Water Conservation District (RCFCWCD) resulted in a committee recommended channel (RCFCWCD, Figure 7; attachment to DBESP Exhibit 4). As shown, the RCFCWCD option would effectively collect the equivalent amount of water and convey it safely under Madison and Jefferson Ave (preventing the flooding at the intersection of Guava and Jefferson) as does the proposed CIP project. However, the RCFCWCD option collects the flows from Line D significantly further upstream while Line D-1 would be collected in the same location as the proposed alternative (from an existing pipe outlet). Instead of collecting the flows from Line D as early as possible (as does the RCFCWCD, immediately west of I-15), the proposed CIP collects/intercepts the Line D-1 flows with a catchment structure along the width of the floodplain on the east side of Jefferson Ave.

*In total, relative to the 2006 Line D and D-1 Alternative analysis (Exhibit 5- which was a reduced impacts alternative to the 1999 RCFCWCD preferred alternative- Exhibit 4), the proposed CIP Flood Control project preserves an additional 2,976 linear feet of vegetated wetland channel which does support hydrophytic soils and approximately 4.42 acres of wetland habitat vegetation (by CIP design, the Line D and D-1 habitat to be impacted are limited to those areas that did not support high quality wetland habitat; such as the southern willow scrub approximately 150 feet north of the CIP project footprint in Line D). This avoided sensitive habitat within Lines D and D-1 (freshwater marsh immediately adjacent to the west side of Jefferson Ave at the culvert outfall), and both north (upstream) and west (downstream) of the proposed CIP channel is comprised of the following; approximately 2.6 acres of southern willow scrub, 0.29 acres of fresh water marsh, 0.56 acres of mulefat scrub, and 0.97 acres of open channel habitat.*

*In contrast, the proposed CIP impacts a total of 0.99 acres of significant habitat while completing the goals of the RCFCWCD and avoiding the additional 2,976 linear feet as well as the 4.423 acres of wetland habitat vegetation (BLUE Biological Technical Report; Exhibit 3).*

*As demonstrated by the completed and submitted technical studies, due to nature of the proposed project itself (a flood control facility) and the areas topographic limitations, an alternative avoiding all riparian and/or riverine resources is not feasible for this project while meeting the stated goals of the CIP, namely safety through flood control protection. Furthermore, as concluded by the numerous Alternative Studies completed which include the multiple 'No Pipe' alternative analysis (Exhibit 7; Excel, 2009), the bridge feasibility alternative analysis (Exhibit 8; Excel, 2010), large detention basin alternative analysis (Exhibit 9; Excel, 2010) and the hydrology studies prepared by Excel Engineering (Exhibits 11-18\*) reinforced the fact that further reducing significant impacts and preserving additional sensitive habitat (beyond what is currently proposed) while meeting the projects flood protection goals is not feasible.*

*\* Exhibits 11-18, prepared by Excel Engineering include:*

- 11. HYDRAULIC / HYDROLOGY STUDY FOR REALIGNMENT OF LINE D & D-1; DATED 9-3-08*
- 12. SUPPLEMENTAL HYDROLOGY STUDY FOR THE REALIGNMENT OF LINE D & D-I, DISTURBED AREA HYDROLOGY IMPACT; DATED 3-17-09*
- 13. TEMPORARY DESILTING BASIN CALCULATIONS FOR THE REALIGNMENT OF LINE D & D-I; DATED 1-21-10*
- 14. LINE D & D-I INFILTRATION CAPACITY CALCULATIONS, 2010*
- 15. WQMP FOR LINE D & D-I; DATED 1-21-10*
- 16. SWPPP FOR LINE D & D-I; DATED 3-21-10*
- 17. EXISTING LINE D & D-I Q100 FLOOD MAP EXHIBIT, 2010*
- 18. LINE D & D-I Q100 FLOOD MAP AFTER PROJECT EXHIBIT, 2010*

*Because a relatively significant amount of water which needs to be collected in a relatively small and developed area, only two options which meet the project goals and are practicable remain: limit direct impacts such as the proposed grading which widens and realigns the existing channel, or create permanent indirect impacts related to the complete diversion of flow (leave the historic channel in place while diverting all flows into a pipe) to the "preserved" Line D and D-1 channels west of Jefferson Ave.*

*As discussed, this proposed CIP #8157 project has been designed over numerous iterations, with public/agency comment, to effectively find a project which resolves the serious flooding and street overtopping issues while preserving and ultimately enhancing the biological and mechanical functions and values of the area. The proposed CIP is economically feasible (proposed CIP is on private land, with land owner cooperation), it is the least impactful biologically and safely captures and conveys flows (up to a 100 year event) under Madison Ave. and Jefferson Ave. (Exhibit 11; Hydraulic/Hydrology Study, Excel, 2008) which prevents the dangerous overtopping.*

*As a result, the downstream flow rate (or "Q"), pollutants, and sediment transfer of both D and D-1 will, at the very worst, remain the same as exists today (Exhibits 13, 15-16; Excel). With the proposed wetland mitigation measures in place, the proposed flood control channel CIP is at least equivalent in functions and values relative to the existing conditions.*

*Finally, the resources are small in area and have a high perimeter to area ratio. Complete avoidance would result in excessive right of way take and severage damages (significant additional area required for extensive grading required) insufficient to bear the costs of required public improvements for the flood control CIP project, preventing the flood control CIP from being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Therefore, avoidance of all the riparian/riverine resources within the footprint of the flood control CIP is not considered to be feasible.*

Comment 2.

Currently, there is no development on the properties around Line D and D-1 so it is unclear why it is necessary to divert the majority of the creek into a pipe and fill the existing open channel.

Response 2.

*This is incorrect. As described and shown in the submitted documentation and project description, the development that the proposed CIP protects is significant. Within the existing and proposed alignment of the Line D and Line D-1 channels are two existing 'developments'; Jefferson Ave. and Madison Ave (this is inclusive of the existing flood control structures, underground utilities, road surfaces and above ground utilities within this area). The oversight in not recognizing these roads as development is significant as these two roads (both designated by the City of Murrieta Circulation Element as Major Facilities) are of critical importance to the safe local and regional movement of pedestrian and vehicular traffic, travelling north and south, west of Interstate 15 and east of Murrieta Creek.*

*As these are the only two roads allowing north-south traffic through the area, closure resulting from the existing Line D and Line D-1 drainages overtopping and flooding the streets during relatively minor rain events is a significant safety issue which must be addressed (Exhibit 19; submitted 2010 flooding photographs).*

*In order to physically protect the only two existing roads (as well as the infrastructure below them) which allow north-south traffic through the area and eliminate their closure resulting from the existing Line D and Line D-1 drainages overtopping and flooding the streets during relatively minor rain events, impacts within the non-wetland waters of the U.S. are required.*

Comment 3.

The scope of the alternative analyses appears to be inadequate. The alternative analysis from 1999 only focused on flood control for Line D while the current project is now a flood control project for primarily Line D-1 and a portion of Line D.

Response 3.

*This is incorrect. As clearly shown and described in the Riverside County Flood Control and Water Conservation District (Exhibit 4; RCFCWCD, 1999; Project Need, p. 6 – Figure 6) the Need and Objective of the 1999 Alternative Analysis was to prevent flooding of both Madison Ave. (Line D-1) and Jefferson Ave. (Line D). Also, see RCFCWCD reference above (p. 4).*

Comment 4.

Furthermore, the DBESP document makes no mention or analysis of the real issue which is storm water run-off generated upstream from the developments and impervious surfaces between Interstate 15 (1-15) and Interstate 215 just north and east of Murrieta Hot Springs Road, the northern extent of this project.

Response 4.

*The DBESP does discuss the watershed and peak flows through the area (Exhibit 2; DBESP, p. 6). However, it is not understood how or why the RWQCB states that the real issue preventing the Certification of this CIP relates to storm water generation and impervious surfaces upstream. In addition, all flow calculations are based upon the RCFCWD Master Flow Plans (Exhibit 11, Attachment A). Is the RWQCB implying that this project is to deal with treatment of upstream flows from a pollutant standpoint? The proposed CIP does not propose any new impervious surfaces; all upstream flows entering the system are currently conveyed by closed systems.*

Comment 5.

The DBESP also fails to include the areas west of Jefferson Avenue near the intersection of Guava Street and Adams Avenue. Line D and D-1 channels merge just west of Jefferson Avenue, follow Guava Street, then abruptly bend south into a narrow channel that flows into Murrieta Creek.

Response 5.

*The Guava St. area is outside of the CIP 8157 area of analysis and there is no relationship between the two areas requiring analysis and discussion. The independent flood water issues downstream of this proposed CIP 8157 are, as you know, related to the CIP 8059 - Guava Street. The Guava St. CIP 8059 and Line D/D-1 CIP 8157 are distinctly separate with independent goals and financing. The purpose of Guava St. CIP 8059 is to reconstruct the road to the ultimate width as well as complete drainage improvements and is a prerequisite to construct the Guava Street Bridge over Murrieta Creek. The City has applied for the required independent CDFG 1602 (Notification No. 1600-2009-005-R6), RWQCB 401, No. 09C-003, and USACOE 404, File No. SPL-2009-00065-CLD.*

Comment 6.

The proposed project would shift the flooding problems between 1-15 and Jefferson Avenue further downstream to Murrieta Creek.

Response 6.

*The storm water flooding to the west of Jefferson Ave. currently exists (Exhibit 20; existing Flood Plain). The proposed project would only protect the Madison Ave. and Jefferson Ave. roadways; to the west of Jefferson the flows would return to the existing pattern of flooding as analyzed in the previously submitted Hydraulic /Hydrology Study for the Realignment of Line D &D-1 (Exhibit 11, Excel 2008). The goal of this CIP was initially to protect the existing development from the storm water flooding all the way to the Murrieta Creek. Prior to the current reduced impacts CIP footprint, two previous Alternative Analyses (Exhibit 4; RCFCWCD, 1999 and Exhibit 5; Consultants Collaborative, 2006) resolving the flooding all the way to the intersection with Murrieta Creek but were rejected in the process of reducing the significant impacts to this, the Least Environmentally Damaging Practicable Alternative (LEDPA).*

### **Inadequate Minimization and Mitigation**

Comment 7.

The San Diego Water Board Order No. R9-2004-001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108766, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the City of Murrieta, the City of Temecula, and the Riverside County Flood Control and Water Conservation District Within the Santa Margarita Watershed in the San Diego Region, Section F1 requires the co-permittees to update their General Plan to consider the following principles and policies:

- c) "Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones ...
- d) Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways, and bridges. "

The proposed project appears in direct conflict with the above and it does not show minimization of impacts to waters of the State and U.S.

Response 7.

*The RWQCB statement that there is a project conflict with the two itemized statements 'c' and 'd' is inaccurate.*

*First, in regards to 'c'; the unvegetated, non-wetland waters of the U.S. that are proposed to be impacted currently support none of the listed water quality benefits (riparian corridors, wetlands, and buffer zones). However, as a project purpose and design feature, the proposed CIP shall create a vegetated habitat corridor and buffer zone protecting the created open channel and the flows in conveys to Murrieta Creek (Exhibit 21; Wetland Habitat Creation Plan, BLUE, 2009).*

*Second, in regards, to 'd'; it must be stressed, once again, this is not a development project. No development is proposed and no impervious surfaces are proposed. The impacts to the channel are required to protect existing development (arterial roads and underground infrastructure) as well as the safety of the people utilizing the roadways during rainfall events.*

Comment 8.

The proposed project collects flows into two open channels which connect to underground pipes that carry the storm water past Madison Avenue and Jefferson Avenue. By diverting all storm water flows from the northwestern portion of the project area into pipes, the opportunity for natural water infiltration is essentially eliminated.

Response 8.

*That is an incorrect statement. All of the collected storm water is picked up from existing closed/pipe systems and is conveyed through the project area in an open channel/pipe combination (Exhibit 22; Master Drainage Facility Improvements for Line D & D-1, Excel, 2010). Relative to the existing conditions, 65% of the proposed flow will be conveyed within 1,600 linear feet of soft bottom open channel. As specifically analyzed and concluded by Excel Engineering (previously submitted Line D and D-1 Infiltration Capacity Calculations, 2009), there is no change when comparing existing conditions to post proposed project implementation conditions. This is a result of the fact that the existing area does not naturally maintain an ability to percolate/infiltrate the storm flows effectively (saturation occurs quickly) and that the proposed CIP proposes no development or non-permeable material or hardscape.*

Comment 9.

Also by filling in the existing channel, there is loss of existing and proposed beneficial uses of Line D and D-1.

Response 9.

*The engineering and biological studies have determined that there is no loss of beneficial uses from the proposed CIP 8157. The creation of approximately 1,600 linear feet of open channel basin, 0.97 acres of Open Channel habitat, 0.37 acres of Fresh Water Marsh habitat and a vegetated wildlife corridor significantly improves upon the existing beneficial uses the existing Line D and D-1 flood inducing low flow capability, non-vegetated, non-wetland waters provide (Exhibit 2, DBESP). As a result of direct and indirect human impacts, Lines D and D-1 within the CIP footprint are no longer what can be typically considered natural courses and can carry only a fraction of the 'natural' flow(s) of stormwater required. Of the two channels proposed to be impacted, only Line D supports hydrophytic vegetation; yet the vegetation is located within the graded and paved portion of Line D (and therefore is not considered a significant loss). Line D-1 supports no natural or hydrophytic vegetation. Through the length of the entire CIP footprint, which is relatively small in spanning the length of approximately two City blocks, Line D-1 comes out of a pipe and travels under/over three (3) roads. Each piece of infrastructure which was previously installed to contain the predicted flows is currently overwhelmed by the storm event flows (Exhibit 11, Hydraulic/Hydrology Study). As each portion of the existing infrastructure fails (in this case that failure is known to occur in some fashion annually) and to the extent that it fails (in the instance of a 100 year event, complete flooding) the model/literature describing the typical beneficial uses of the 'natural' southwest ephemeral drainages reviewed by Levick L.R, et.al 2008 is less and less applicable because the action of the water is no longer predictable/stable as the model requires. The unpredictable flow (relative to those he reviewed) is directly linked to the erosive effects of the storm water flows when they jump banks, flood roads, create increased internal pressure on the culverts (water jet effect as water blows out of the downstream outlets when beyond capacity), and flow in a generally non-linear manner.*

*It is this lack of function within the existing system (generally staying within its' course) which has created the need for the proposed channel improvements. This lack of function creates the turbulent flows each time there is a rain event which in turn causes sedimentation, through erosion, which is then carried uncontrolled (no de-siltation is currently built into the system) into the Murrieta Creek. Simply, each rain event without the proposed channel improvements in place directly and permanently impacts the Line D and D-1 channels as well as downstream to Murrieta Creek.*

Comment 10.

The proposed mitigation is the construction of two open channels that will be actively maintained as open channels. This does not qualify as mitigation because a mitigation area should be designed to be self-maintaining once adequately established.

Response 10.

*This is not a typical 'wetland' restoration or creation area where there is planted hydrophytic vegetation for which the 'self sustaining' standard is applied. As an unvegetated non-wetland water open channel is being impacted and subsequently re-created, preserved and maintained in perpetuity, annual maintenance of the habitat is typical and required by the City, USFWS, CDFG and ACOE. As fully described in the submitted WHCMMP (Exhibit 21), the area of proposed open channel creation will be maintained as open channel. As the area does not support the hydrological conditions to allow for hydrophytic vegetation to persist, as seen by the existing condition of the open channel, the area is proposed to be maintained to emulate the existing unvegetated open channel to be impacted. Due to the lack of hydrology and existing vegetation within the project footprint it is not expected to be required, but if so the area will be periodically mowed and/or weeded as necessary.*

*The proposed habitat mitigation plan was created with the input from the City, ACOE and USFWS/CDFG. The language describing the maintenance of the created Open Channel was agreed upon by the ACOE and CDFG; a CDFG permit has been issued for the proposed CIP (Exhibit 23; SAA 1600-2010-0015-R6). As shown in Exhibit 24, the response to the CDFG 1602 permit application request for additional information, the State had initial concerns regarding the mitigation measures but upon further discussion and review it was deemed appropriate.*

*Any area that would be subject to "Flood Control Maintenance" i.e. the removal of potential silt within the inlets and/or outlets has been excluded from the calculated mitigation area. The portion of the slopes included within the scope of the habitat creation plan will be maintained as a preserved natural mitigation area supporting vegetation. For a complete discussion regarding how the created habitat will be maintained in perpetuity, please see the submitted "Wetland Habitat Creation Plan for Flood Control Channel Line D/D-1 CIP" (Exhibit 21). In summary, the proposed mitigation areas shall be owned in fee title and be protected, preserved and maintained in perpetuity by the City of Murrieta as a fenced, restricted access open space area. The mitigation areas shall be maintained by a landscape and lighting district, billed to the area land owners on their tax bill. Warning/informative signs will be posted on the fence surrounding the preserved habitat to preclude access to sensitive habitat areas and prohibit dumping. Authorized occupants/maintenance crews shall be educated in access restrictions, control of domestic animals, prevention of irrigation run-off, and sensitivity of habitats within the mitigation area.*

Comment 11.

In addition, the proposed mitigation consists of establishment at a ratio of 1.35:1 with a net loss of 850 linear feet of existing open channel. Considering the loss of current and future beneficial uses of the open channel and the permanent loss of functionality and stream connectivity, the San Diego Water Board finds the proposed mitigation unacceptable.

Response 11.

*For the proposed potentially significant impacts, mitigation is required to reduce those impacts to below a level of significance. As proposed, the CIP 8157 mitigation shall reduce those potential impacts to a level below significance. A total of 1.05 acres of created jurisdictional habitat is required; CIP 8157 proposes that 1.34 acres of jurisdictional habitat to be created. Furthermore, the type, quantity and quality of habitat to be created are of significantly higher quality and quantity than what is required or existing; 0.37 acres of fresh water marsh-mulefat is being created where 0.02 acres is required per the mitigation ratios.*

*Please see the submitted project documentation (DBESP, section 7; Exhibit 2), and the discussion as to how the proposed project significantly increases the areas functions and values and, as a result, the beneficial uses in the area as a whole.*

*While the total linear length of the proposed vs. existing unvegetated non-vegetated non wetland water open channel is reduced, the nature of the flood control project and the proposed mitigation measures significantly increases the function, value and beneficial uses of the system as a whole. Therefore, looking only at the loss of linear open channel distance is not an accurate gauge as to the actual impacts as the proposed mitigation (the project as a whole in itself) by design improves the water quality. Because the proposed CIP would protect the downstream stretch and Murrieta Creek from the flood waters east of Jefferson Ave. which carry sediment from upland erosion, nutrients from agricultural and residential fertilizers and pollutants such as heavy metals and petroleum from the impacted roadways, additional linear created open channel will not increase the beneficial uses of the area.*

*Furthermore, the proposed CIP does not include any non-permeable surfaces and, as the results from the Infiltration Capacity Analysis prepared by Excel (2009) state, the percolation of water during storm events is not changed with the implementation of CIP 8157.*

*Therefore, with the implementation of CIP 8157 and the required mitigation, the net loss of 850 linear feet of non-functioning unvegetated, non-wetland waters open channel is mitigated for by the subsequent increase of habitat, habitat quality, a vegetated wildlife corridor, buffer to the created open channel, increased beneficial uses, improved functions and values and secure travel on the arterial roadways during storm events.*

**Other**

Comment 12.

Murrieta Creek is currently listed as impaired on the State's 303(d) List of Impaired Waterbodies for chlorpyrifos, copper, iron, manganese, nitrogen, phosphorus, and toxicity. The proposed flood control project fails to acknowledge these contaminants and has not proposed mitigation or best management practices to reduce

contaminants entering into Murrieta Creek.

Response 12.

*The project has recognized pollutants of concern and addressed those concerns in multiple documents submitted to the RWQCB; the Water Quality Management Plan (Exhibit 15; Excel 2010), the Storm Water Pollution Prevention Plan (Exhibit 16, Excel, 2010) and the DBESP (Exhibit 2; BLUE, 2009). The preliminary WQMP lists the state 303's impaired waterbodies and addresses the pollutants of concern as well as project proposed permanent facilities. The submitted Storm Water Pollution Protection Plan Line D & D-1 Public Drainage Plans, City of Murrieta, California proposes mitigation and Best Management Practices (BMP) to reduce contaminants from entering Murrieta Creek.*

Comment 13.

Comments on the project were submitted by U.S. EPA, DFG and USFW in 2009 and 2010 but no significant changes have been made to address their concerns.

Response 13.

*All comments were promptly and completely responded to. The discussion and written response to the CDFG/USFWS comment letters resulted in the CDFG 2010 permit being issued (Exhibit 23). Furthermore, an additional 7 Alternatives were studied at the request of ACOE, EPA and DFG/USFWS (in their submitted comment letters). The response to the submitted comments completed by BLUE are attached as follows:*

*Exhibit 6; response to ACOE comments regarding 404 individual permit application, dated 4-8-10*

*Exhibit 7; response to additional USFWS/CDFG comments to DBESP, dated 1.22.10*

*Exhibit 8; initial response to USFWS/CDFG comments to DBESP, dated 10-29-09*

*Exhibit 10; response to EPA comments to project 404 PN, dated 6-29-10*

*Exhibit 24; response to CDFG comments regarding 1600 permit application, dated 3-23-10*

*Through this exhaustive analysis of practicable alternatives it was determined that the Agency proposed alternatives were more impactful and/or were not financially practicable; leaving the proposed CIP as the LEDPA.*

*Finally, this 2010 iteration of CIP 8157 is a reduced alternative to the 2006 iteration. Due to comments made during the 2006 CIP permit process, the CIP project was redesigned to significantly reduce the impacts to jurisdictional waters by 3.52 acres and 2,854 linear feet (relative to this current CIP proposal), as well as incorporate the requested changes to the mitigation measures and methods proposed. Specifically, the 2006 Line D and D-1 alternative (which was permitted by CDFG-1600-2006-0160-R6; Exhibit 5) impacted a total of approximately 4.51 acres of jurisdictional habitat within 5,304 linear feet; the proposed CIP impacts 0.99 acres of jurisdictional habitat within 2,450 linear feet.*

**V. Manner in which the petitioner is aggrieved;**

The Petitioner, as the local public agency responsible for the safety of its citizens, commuters and the existing development/infrastructure, is significantly aggrieved as the existing flooding conditions of Line D and Line D-1 result in the lengthy disruption of major transportation and emergency response linkages, causes severe property damage, significant impacts to development/roads, underground utilities, overhead utilities and, most significantly, potential loss of life. As stated, the issues and attempts at resolving those issues regarding the Line D and Line D-1 flooding at Madison and Jefferson Avenue have been publicly ongoing since the need was first recognized in 1982-1983 (Exhibit 4; attachment to DBESP). Furthermore, due to the significant increase in the density of the surrounding development and the subsequent increase in usage and dependence on the two impacted roads, both the potential for a significant accident or loss of life to occur as well as the need for an agreed upon solution has significantly increased. As a result of the combination of a flood-plain almost a mile wide with a Q at the confluence of Line D and Line D-1 of approximately 2,700 cfs, an extremely flat grade flowing to the west (towards Murrieta Creek), the collection of the flood waters requires significant impacts to Waters of the U.S. (Exhibit 11; Excel, Hydraulic/Hydrology Study, 2008). The "No Project" alternative is not appropriate as safety cannot be ignored. The "No Impact" alternative was analyzed and determined to not be practicable as it would require bridges over the flooded areas making it financially infeasible. All other proposed and suggested alternatives (submitted during the multiple public comment periods) that sought to protect the greatest area and linear feet of Line D and Line D-1 as well as Madison Avenue and Jefferson Avenue from the floodwaters were completed. All other alternatives required greater impacts to the existing channels. The project as proposed by CIP 8157 is the LEDPA and the denial of the project to take additional time to look for previously unthought-of alternatives to study (relative to the alternative studies completed between 1999 and 2010) will not create a future LEDPA but delay the solution, again. In recognizing the need for a solution impacting the least environmentally sensitive areas as well as a permanent solution to the dangerous flooding in the area, the Department of Transportation, City of Murrieta Fire Department, The City of Murrieta Chief of Police and the Murrieta Valley School District have submitted letters of support for the project (Exhibit 6; originally submitted as attachments to the ACOE 404 request for additional information; BLUE, April 2010).

**VI. Specific action by the state board which the petitioner requests**

Petitioner seeks to have the State Board review the substantial CEQA-compliant environmental documentation available for the Project and, based upon that documentation issue a 401 certification with appropriate conditions. If, after considering this Petition for Reconsideration, the State Board determines that potential significant impacts remain with Petitioner's proposed Project, Petitioner requests that the State Board withdraw or rescind the RWQCB denial and permit Petitioner to voluntarily withdraw and re-submit its application in order for Petitioner to correct any such defects. If the State Board grants the Petition and withdraws its denial Petitioner is willing to voluntarily withdraw and re-submit its application prior to such date.

**VII. A list of persons, if any, other than the petitioner and applicant, if not the petitioner, known to have an interest in the subject matter of the petition;**

**Land Owners:**

Owner: Hemacinto Commonwealth Opportunity Fund LP  
Address: 630 E. Latham Avenue (Official address of entity)  
Hemet, CA 92541  
Phone: 310.403.5627  
E-Mail: jackminglee@hotmail.com

Owner's Name: Redevelopment Agency of the City of Murrieta  
Address: 24601 Jefferson Avenue, Murrieta, CA 92562  
Attn: Mary E. Lanier  
Phone: 951.461.6060  
E-Mail: mlanier@murrieta.org

Address: MGP Murrieta, L.P.  
41623 Margarita Road Suite 100  
Temecula, CA 92591-2989  
Phone: 951-491-6309  
e-Mail: cdaly@westmarbre.com

Address: 550 E Hospitality Lane  
Suite 300  
San Bernardino, CA 92408  
Phone: 909-890-4499  
e-Mail: Matthew.Nelson@greshamsavage.com

**Public Agencies who submitted Letters of Interest and Support:**

As attachments to Exhibit 6  
Department of Transportation (dated 2-22-10)  
City of Murrieta Fire Department (dated 3-18-10)  
City of Murrieta Police Department (undated)  
Murrieta Valley School District (dated 3-26-10)

**VIII. Statement that the petition has been sent to the appropriate regional board or executive officer and to the applicant, if not the petitioner**

A true and correct copy of this Petition for Reconsideration was sent, via e-mail on September 16, 2010 to the San Diego RWQCB, and true and correct copy of all exhibits to this Petition were delivered to such regional water quality control board, on September 17, 2010.

**IX. Copy of a request to the executive director or appropriate executive officer for preparation of the state board or regional board staff record, if applicable and available, which will include a tape recording or transcript of any pertinent regional board or staff hearing.**

On behalf of the City, BLUE Consulting Group prepared and submitted a request, dated September 15, 2010, to the Executive Director of the San Diego RWQCB for the preparation of the State Board staff record related to the application for 401 certification, if available, in connection with this Petition. A copy of this request, as required by 23 CCR § 3867(d)(9), is attached as "Exhibit 25" to this Petition.

**X. Summary of the manner in which and to what extent the petitioner participated in any process (e.g., public hearing testimony, discussion with agency personnel, correspondence), if available, leading to the action or failure to act in question. If a process for participation was available, but the applicant did not participate, the petition shall include an explanation for the petitioner's failure to participate.**

As discussed above, the Petitioner and/or the Riverside County Flood Control Water Conservation District has been in the active process of acquiring the required permits and certifications to protect this portion of the City from the recurring flood events since 1993 (Exhibit 26; attachment to DBESP, History of Line D/D-1). The proposed CIP 8157 is a CEQA approved project (Exhibit 27; CIP 8157 Initial Study and certified Mitigated Negative Declaration dated 12-16-09) which has gone through numerous public review periods (circulated DBESP, circulated MND, circulated ACOE Public Notice). Comments were received from all Agencies involved but for the San Diego RWQCB. All comments were responded to and additional analysis and project changes were completed. A CDFG permit for CIP 8157 was issued on June 15, 2010 (Exhibit 23; CDFG, SAA No. 1600-2010-0015-R6). Petitioner filed applications with the State Board for Section 401 water quality certifications on January 28, 2010. Due to "regulatory time constraints" a denial without prejudice was issued with 2 comments that were responded to.

A meeting was held at the RWQCB offices on 6-8-10 where the project goals and engineering challenges of the project area were discussed as staff had not reviewed all the project material. No unresolved issues or significant concerns were raised by staff at the meeting, or in the following 10 weeks leading up to the Denial of Water Quality Certification, which indicated that the project was to be denied. No request for additional information or clarification of the submitted documentation was requested by staff. As evidenced by the comments made in the Denial letter, the resulting staff analysis was therefore based on incorrect assumptions and a general misunderstanding of the flood water/topographic constraints imposed by the existing conditions of the area. As the completed engineering studies have shown, with the implementation of the biological mitigation measures, the proposed flood control project has been shown to directly improve the existing Beneficial Uses for the downstream watershed and Murrieta Creek. A response from the City to the Denial letter (Exhibit 28; Blue, 9-13-10) describing how and why the basis for denial was inappropriate was submitted.

During the permitting period, Petitioner has met and exchanged extensive written correspondence with numerous representatives of federal, state, and local agencies regarding the permitting, approval and implementation of the Project. These agencies include the California Department of Fish and Game, the Army Corps of Engineers, the San Diego Regional Board, the California and U.S. Environmental Protection Agency, the County of Riverside and the City of Murrieta. Further, Petitioner has participated in and provided significant documentation to such agencies as part of this extensive administrative approval process. Given the length of

time during which the Petitioner has been working to secure a Section 401 water quality certification from the State Board and the numerous administrative agencies with jurisdiction of certain aspects of the Project, it is impractical to provide a complete list of all meetings and correspondence between Petitioner and such public agencies. Petitioner has regularly and repeatedly communicated directly with all of these federal, state and local agencies, and has provided discussion of the relevant aspects of such process leading to this Petition for Reconsideration.

Respectful Submitted,



Michael K. Jefferson

BLUE Consulting Group

On behalf of the City of Murrieta

SUBMITTED EXHIBITS SUPPORTING CIP 8157 PETITION FOR RECONSIDERATION

1. Denial of request for Water Quality Certification (Application No. 10C-009)
2. Determination of Biologically Equivalent or Superior Preservation (DBESP, BLUE 2009)
3. Biological Technical Report for the Murrieta Creek MDP Line D Flood Control Facility CIP, BLUE, 7-28-09)
4. Riverside County Flood Control and Water Conservation District (RCFCWCD) Alternative Analysis for the Murrieta Creek MDP Line D Flood Control Project, 1999
5. 2006 Line D and Line D-1 Alternative (Consultants Collaborative, 2006; CDFG permit # 1600-2006-0160-R6)
6. Increased Culvert Size Alternative (Excel/BLUE 4-8-10; response to ACOE permit application comments)
- 7a. Analysis of the Line D-1 Alternate Alignment (BLUE responses to FWS/CDFG DBESP comments, dated 1-22-10; Excel 6-8-09, Analysis of the Line D-1 Alternative Alignment)
- 7b. No Pipe Alternative (BLUE responses to FWS/CDFG DBESP comments, 10-29-09)
8. Assessment of Bridge Alternatives of Jefferson Ave. over Line D and Madison over Line D-1; Excel, dated 3-24-10 and BLUE response to EPA comments to the ACOE 404 permit applications Public Notice, dated 6-29-10
9. Multiple large detention basin alternative (Excel Analysis of the Line D and D-1 Detention Basin Analysis; BLUE 10-29-09, response to FWS/CDFG DBESP comments)
10. BLUE response to EPA comments to the ACOE 404 permit applications Public Notice, dated 6-29-10,
11. HYDRAULIC / HYDROLOGY STUDY FOR REALIGNMENT OF LINE D & D-1; EXCEL, DATED SEPTEMBER 3, 2008
12. SUPPLEMENTAL HYDROLOGY STUDY FOR THE REALIGNMENT OF LINE D & D-I, DISTURBED AREA HYDROLOGY IMPACT; EXCEL, DATED MARCH 17, 2009
13. TEMPORARY DESILTING BASIN CALCULATIONS FOR THE REALIGNMENT OF LINE D & D-I; EXCEL, DATED JANUARY 21, 2010
14. LINE D & D-I INFILTRATION CAPACITY CALCULATIONS; EXCEL, 2010
15. WQMP FOR LINE D & D-I; EXCEL, DATED JANUARY 21, 2010
16. SWPPP FOR LINE D & D-I; EXCEL, DATED APRIL 21, 2010
17. EXISTING LINE D & D-I Q100 FLOOD MAP EXHIBIT; EXCEL, 2010
18. LINE D & D-I Q100 FLOOD MAP AFTER PROJECT EXHIBIT; EXCEL, 2010
19. Submitted 2010 flooding photographs 1-4
20. Existing Flood Plain Map; RCFCWCD, 1999
21. Wetland Habitat Creation Plan and associated graphics (2); BLUE, 2009
22. Master Drainage Facility Improvements for Line D & D-1; Excel, 2010
23. California Department of Fish and Game SAA 1600-2010-0015-R6 permit for CIP 8157
24. BLUE response to the CDFG 1602 permit application request for additional information; dated 3-23-10
25. Copy of the request, dated September 15, 2010, to the Executive Director of the San Diego RWQCB for the preparation of the State Board staff record
26. History of Line D/D-1; Larry Markham, 2008
27. City of Murrieta approved CIP 8157 Initial Study; dated October, 2009
28. Response from the City to the San Diego RWQCB issued 8-19-2010 Denial letter; Blue, 9-13-10



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

August 19, 2010

**Certified Mail Number:**  
7008-1140-0002-2347-4268

Patrick Thomas  
City of Murrieta  
1 Town Square  
24601 Jefferson Avenue  
Murrieta, CA 92562

In reply refer to: 749088:amonji

Dear Mr. Thomas,

**SUBJECT: Denial of Water Quality Certification for Application No. 10C-009,  
Line D and Line D-1 Realignment (CIP# 8157) Project**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), received your application for Water Quality Certification for the **Line D and Line D-1 Realignment (CIP 8157) Project** on January 28, 2010, and it was assigned file number **10C-009**.

The San Diego Water Board has completed a comprehensive evaluation of your application for 401 Water Quality Certification for the proposed D and Line D-1 Realignment (CIP 8157) Project (Application No. 10C-009) and is denying certification of this project.

**BACKGROUND**

You were notified the application was deemed statutorily complete on February 26, 2010. On March 24, 2010, a Denial Without Prejudice letter was issued because the San Diego Water Board needed more time to review your application.

The project proposes to fill in the existing creek channel of Line D-1 and route the storm water flows from Line D and D-1 into two open channels which connect to underground pipes that discharge back into Line D and D-1 southwest of Jefferson Avenue (See attached Figure).

The original application package included copies of the Section 401 Water Quality Certification application dated January 25, 2010 and the following:

1. Determination of Biologically Equivalent or Superior Preservation for (DBESP) to Murrieta Creek Area MDP – Line D and Line D-1 CIP #8157.

*California Environmental Protection Agency*

2. Storm Water Pollution Prevention Plan for Line D and D-1 Public Drainage Plans, City of Murrieta.
3. Hydraulic/Hydrology Study for Realignment of Line D and D-1.
4. Supplemental Hydrology Study for the Realignment of Line D and D-1 Disturbed Area Hydrology Impact.
5. Temporary Desilting Basin Calculations for the Realignment of Line D and D-1.
6. Final Non-Project Specific Water Quality Management Plan for Realignment of Line D and D-1.
7. A copy of the fee payment check of \$640.00.
8. A compact disc which includes electronic versions of:
  - U.S. Army Corps of Engineers (USACE) and California Department of Fish and Game (DFG) permit applications
  - Notice of Intent and Notice of Determination
  - 401 Water Quality Certification application
  - DBESP document

Since the submittal of the original application package, the following supplemental information has been received:

9. Images of recent flooding at Madison and Jefferson Avenues in Murrieta.
10. A letter dated October 13, 2009 from Leslie MacNair, DFG, and Karen Goebel, U.S. Fish and Wildlife Service (USFW) concerning the Determination of Biologically Equivalent or Superior Preservation.
11. Electronic mail dated June 14, 2010 from Jorine Campopiano, U.S. Environmental Protection Agency (U.S. EPA), to Jae Chung, USACE, concerning public notice for the Line D and D-1 project.
12. Response to Comment letters provided by Mike Jefferson, Blue Consulting Group to U.S. EPA, DFG, and USFW comments. Letters were dated October 29, 2009, January 22, 2010, March 16, 2010, April 8, 2010, and June 29, 2010.
13. Assessment of the Bridge Alternative of Jefferson Avenue over Line D and Madison Avenue over Line D-1.

#### **BASIS FOR DENIAL**

The project as proposed is a flood control project which diverts storm water flows from the creek channel to underground pipes. The benefits to water quality will be minimal and the project has failed to demonstrate that water quality standards will be protected over the life of the project. The project would result in significant, long-term and unmitigated adverse impacts to water quality by permanently impacting (filling) 2,450 linear feet of ephemeral streambed of waters of the State. Your application is being denied for the following reasons:

### **Inadequate Avoidance of Impacts**

1. The proposed project does not demonstrate adequate avoidance of impacts to waters of the State and U.S. Currently, there is no development on the properties around Line D and D-1 so it is unclear why it is necessary to divert the majority of the creek into a pipe and fill the existing open channel.

The scope of the alternative analyses appears to be inadequate. The alternative analysis from 1999 only focused on flood control for Line D while the current project is now a flood control project for primarily Line D-1 and a portion of Line D. Furthermore, the DBESP document makes no mention or analysis of the real issue which is storm water run-off generated upstream from the developments and impervious surfaces between Interstate 15 (I-15) and Interstate 215 just north and east of Murrieta Hot Springs Road, the northern extent of this project. The DBESP also fails to include the areas west of Jefferson Avenue near the intersection of Guava Street and Adams Avenue. Line D and D-1 channels merge just west of Jefferson Avenue, follow Guava Street, then abruptly bend south into a narrow channel that flows into Murrieta Creek. The proposed project would shift the flooding problems between I-15 and Jefferson Avenue further downstream to Murrieta Creek.

### **Inadequate Minimization and Mitigation**

2. The San Diego Water Board Order No. R9-2004-001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108766, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the City of Murrieta, the City of Temecula, and the Riverside County Flood Control and Water Conservation District Within the Santa Margarita Watershed in the San Diego Region*, Section F.1. requires the Copermitees to update their General Plan to consider the following principles and policies:

- c) *"Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones..."*
- d) *Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways, and bridges."*

The proposed project appears in direct conflict with the above and it does not show minimization of impacts to waters of the State and U.S. The proposed project collects flows into two open channels which connect to underground pipes that carry the storm water past Madison Avenue and Jefferson Avenue. By diverting all storm water flows from the northwestern portion of the project area into pipes, the opportunity for natural water infiltration is essentially eliminated.

Also by filling in the existing channel, there is loss of existing and proposed beneficial uses of Line D and D-1.

3. The proposed mitigation is the construction of two open channels that will be actively maintained as open channels. This does not qualify as mitigation because a mitigation area should be designed to be self-maintaining once adequately established. In addition, the proposed mitigation consists of establishment at a ratio of 1.35:1 with a net loss of 850 linear feet of existing open channel. Considering the loss of current and future beneficial uses of the open channel and the permanent loss of functionality and stream connectivity, the San Diego Water Board finds the proposed mitigation unacceptable.

#### Other

4. Murrieta Creek is currently listed as impaired on the State's 303(d) List of Impaired Waterbodies for chlorpyrifos, copper, iron, manganese, nitrogen, phosphorus, and toxicity. The proposed flood control project fails to acknowledge these contaminants and has no proposed mitigation or best management practices to reduce contaminants entering into Murrieta Creek.
5. Comments on the project were submitted by U.S. EPA<sup>1</sup>, DFG<sup>2</sup> and USFW<sup>2</sup> in 2009 and 2010 but no significant changes have been made to address their concerns.

This Denial of Certification is issued in accordance with 23 California Code of Regulations (CCR) § 3837(b)(1) (Attachment 1) as the proposed project would not comply with applicable water quality standards. Appeal of this denial may be made within 30 days of its issuance in accordance with 23 CCR § 3867 – 3869.

#### FUTURE APPLICATIONS

The San Diego Water Board has two 401 Water Quality Certification applications for this area. One is this project; the realignment of Line D and D-1 and the other is the Guava Street Improvement Project (09C-003) located southwest of Jefferson Avenue. The San Diego Water Board recommends that the City of Murrieta withdraw the Guava Street Improvement Project to consider a larger scale approach to flood control and water quality issues along this area. Moreover, if the City of Murrieta is aware that future development is proposed for this area, such plans should be integrated into the application. The San Diego Water Board also finds it appropriate that Riverside County

<sup>1</sup> U.S. EPA. June 2010. Email from Jorine Campopiano, U.S. EPA, to Jae Chung, Army Corps of Engineers, titled "EPA Comments SPL-201000203-YJC, Riverside County, California". June 14, 2010.

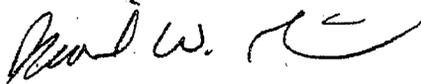
<sup>2</sup> Department of Fish and Game and US Fish and Wildlife Service. October 2009. Letter from DFG and US Fish and Wildlife Service titled "Determination of Biologically Equivalent or Superior Preservation for the CIP #8157 City of Murrieta of Riverside, Riverside County, California". Received October 13, 2009.

Flood Control and Water Conservation District be a co-applicant with the City of Murrieta on projects where flood control is the basis for the 401 application.

You may elect to reapply for Clean Water Act section 401 Water Quality Certification and Waste Discharge Requirements with a different project. The San Diego Water Board is open to discussing alternatives for controlling the sources of the flooding into Line D and D-1, opportunities for improvement of water quality, and opportunities for habitat creation and restoration.

If you have any questions regarding this denial, please contact Mr. Alan Monji at 858-637-7140 or [amonji@waterboards.ca.gov](mailto:amonji@waterboards.ca.gov). The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

Respectfully,



DAVID W. GIBSON  
Executive Officer

Enclosures: Figure 1

ec:

Therese O'Rourke  
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Jeff Brandt  
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U.S. Environmental Protection Agency  
Wetlands Regulatory Office

Patrick Thomas  
City of Murrieta

- 6 -

August 19, 2010

R9-WTR8-Mailbox@epa.gov

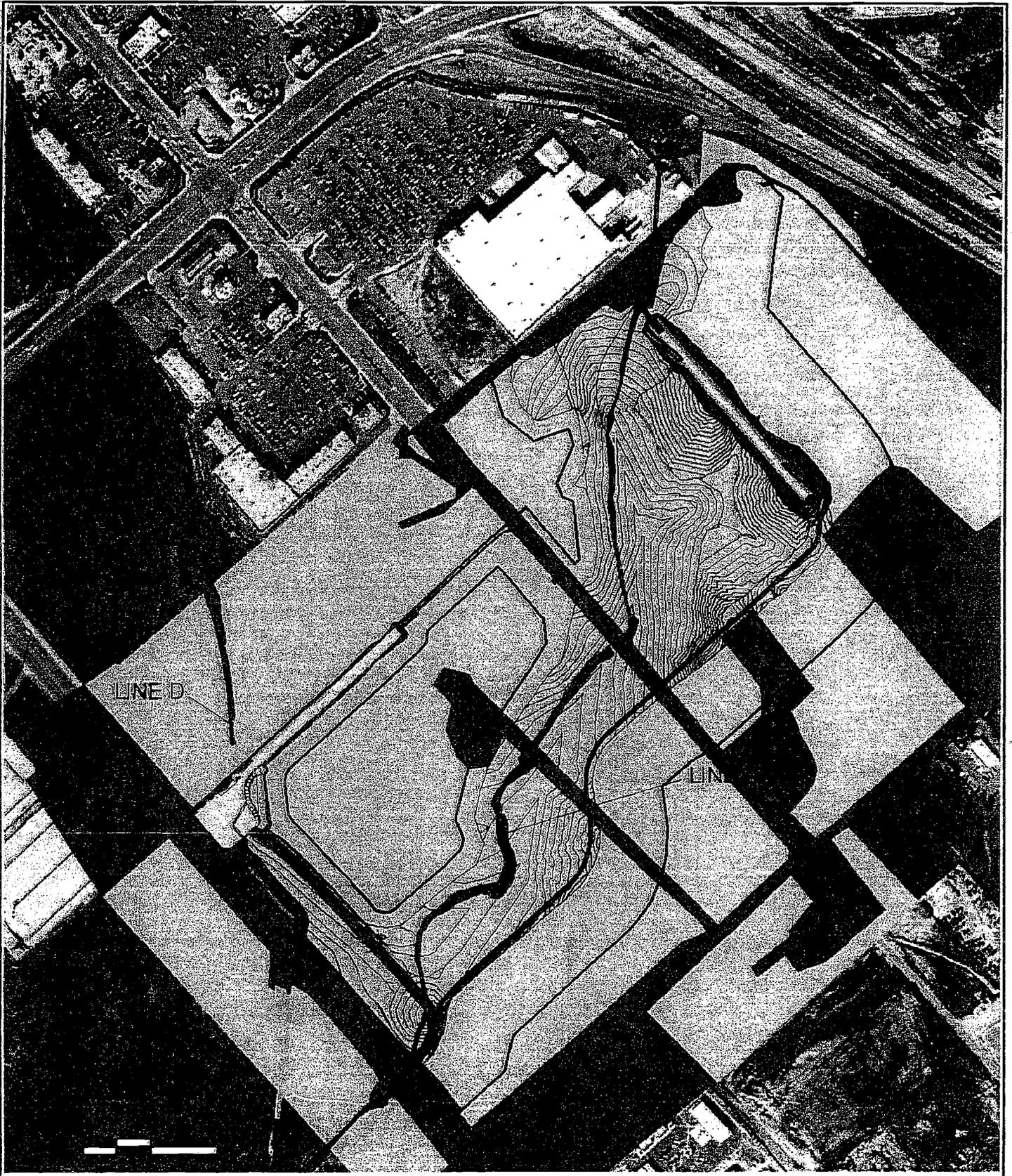
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mike@blueconsulting.com

File No.	10C-009
WDID:	9000002027
CIWQS	
Place ID:	749088
Reg. Measure ID	372933
Party ID:	493370
Person ID:	461320



- |   |  |   |                                 |
|---|--|---|---------------------------------|
|  | CIP Flood Control Footprint                                      |  | Developed Area                  |
|  | Mitigation Area; flat basin; 1.06 acres                          |  | Agricultural Habitat; Disturbed |
|  | Mitigation Area; Slopes;<br>5 vertical feet up slope, 0.37 acres |  | Freshwater Marsh                |
|  | Pipe(s); Proposed  |  | Mule Fat Scrub                  |
|   |  |  | Open Channel(s)                 |
|   |  |  | Southern Willow Scrub (SWS)     |

**FIGURE 4.1**

**Proposed Mitigation;  
Overview**



# California Regional Water Quality Control Board

## San Diego Region

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<http://www.waterboards.ca.gov/sandiego>

### APPLICATION FOR CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION

All applicants **must** provide a complete and detailed response to all sections of the application or the application will be deemed incomplete. Responses should not refer reader to an attachment. Any responses by reference must indicate the specific document(s) and page number(s) (include copies of the entire document). Indicate by Not Applicable (NA) all sections that do not apply, **along** with an explanation of why the project is exempt from the section.

1. APPLICANT/AGENT INFORMATION	
Applicant's Name:  City of Murrieta	Authorized Agent's Name and Title:  Michael Jefferson; President, BLUE Consulting
Applicant's Address:  24601 Jefferson Ave Murrieta CA 92535	Agent's Address:  PO Box 658, San Marcos CA 92069
Applicant's Phone:  951-461-6037	Agent's Phone:  858-391-8145
Applicant's Phone:	Agent's Fax:
Applicant's Email:  Pthomas@murrieta.org	Agent's Email:  mike@blueconsulting.com

STATEMENT OF AUTHORIZATION	
I hereby authorize <u>Michael Jefferson</u> to act in my behalf as my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.	
Applicant's Signature (This <b>must</b> be signed by the applicant, <b>not</b> the authorized agent.)	Date

2. PROJECT/ACTIVITY INFORMATION
PROJECT NAME OR TITLE  Line D and Line D-1 realignment (CIP# 8157) Flood Control Realignment

**LOCATION OF PROJECT** (See instructions.)

Street Address no address; located north of intersection of Jefferson Ave and Guava St

County Riverside City Murrieta

Assessor's Parcel Number(s) 910-410-012,13,14,15,17,18,19/910-140-020, 31,32, 44, 57,64

Hydrologic Unit, Area, and Subarea Santa Margarita, Murrieta hydrologic, Murrieta hydrologic

Provide latitude and longitude for the proposed project.

Latitude 33° 32'54.68" N Longitude 117° 11'44.15 W (Center Reading)

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

**DIRECTIONS TO PROJECT SITE** (See instructions.)

From Interstate 15, exit Murrieta Hot Springs Road-travel west. At Jefferson Ave turn left-south. Approximately 2,400 feet south, Line D passes underneath Jefferson Ave. and approximately 600 feet after that, Line D-1 passes underneath Jefferson Ave.

**OWNERSHIP**

Does the applicant own the project site? Yes  No

If the project site is not owned by the applicant, provide the name(s), address(es), and phone number(s) for the property owner(s) as well as evidence that the applicant has the necessary approvals to construct the project at this location.

List of parcel ownership attached. approval of owners and city attached; NOD

Does the applicant plan on selling all or a portion of the site after receiving the necessary approvals?

Yes  No

Does the applicant plan on selling all or a portion of the site prior to starting construction?

Yes  No

If yes, provide the name(s), address(es), and phone number(s) of the future land owner(s).

N/A

Does the applicant plan on transferring the certification after receiving the necessary approvals and/or prior to starting construction?

Yes  No

If yes, provide the name(s), address(es), and phone number(s) of the future transferee(s).

N/A

**AFFECTED WATER BODY(IES)** (See instructions.)

List all affected water body(ies).

Line D and Line D-1 are proposed to be directly impacted. Both are tributaries to Murrieta Creek. The proposed flood control CIP project will significantly impact a total of 0.99 acres of jurisdictional habitat within a 2,450 linear foot long unvegetated open channel. These 0.99 acres of sensitive plant community impacts include: 0.93 acres of open channel, 0.01 acres of fresh water marsh and 0.05 acres of mule fat scrub. A minimum total of 1.05 acres of wetland habitat creation is required to mitigate for the proposed CIP flood control channel impacts for this project. As a component of the CIP project, a total of 1.34 acres of open channel and mulefat/willow scrub mitigation habitat is proposed to be created within the channel footprint (DBESP attachment; Biological Technical Report, BLUE 2009. P. 23)

List water velocities and shear for the 2, 5, 10, 50, and 100 storm water elevations for each water body.

The project flows are based on the flows developed by Riverside County flood control. No additional hydrology has been done for the systems. The referenced riverside flood report (attachment to DBESP) specify the flows for the design of the system. Therefore we do not have intermediate storms or velocities. The full flows (100 year storm event) per the flood control letter for D and D-1 of 2250 cfs for Line D to the confluence with Line D-1, after the confluence 2790cfs. The said publication is titled "Section 404(B)(1) Alternative Analysis for the Murrieta Creek MDP Line D, Stage 3 and Line D-1 Flood Control Project" and is dated April 1999.

Are any of the water body(ies) considered isolated per SWANCC or Rapanos? Yes  No

**NEED FOR PROJECT** (See instructions.)

Recent engineering studies have shown that the existing Line D and Line D-1 watercourse, Line D-1 is a tributary to Line D, is inadequate in terms of both hydraulic capacity and channel bank and bed stability. The existing earthen swale can contain storm flows from only minor events (far less than the 100-year flood discharge), and the roads are in jeopardy of being overtopped during relatively minor storm events. Likewise, the hydraulic flood plain analysis show that Line D-1 storm flows vary in path between Madison Avenue and Jefferson Avenue and impact both streets at numerous points (DBESP P. 2, attached). To remove the flood threat to both citizens and public infrastructure, CIP #8157 shall prevent the flooding in the area which results from a current inability to appropriately capture and convey flows From Line D and D-1 under Madison Ave and Jefferson Ave.

**DESCRIPTION OF ACTIVITY** (See instructions.)

The existing Line D and Line D-1 are proposed to be filled and the ephemeral flows through the area shall be collected and safely conveyed within the proposed CIP #8157 underneath Madison Ave and Jefferson Ave. As a component of the CIP project, a total of 1.34 acres of open channel and mulefat/willow scrub habitat is proposed to be created within the flood control channel footprint. See DBESP (attached) p.7 and Biological Technical Report (attachment to DBESP P.45) for full discussion

Has any portion of the work been initiated? Yes  No

If yes, describe the initiated work and explain why it was initiated prior to obtaining a permit; indicate whether any enforcement action has been taken against the project.

N/A

**AVOIDANCE OF IMPACTS** (See instructions.)

Due to the fact that this is a proposed flood control facility which has been specifically designed to capture and convey water, safely, the "no impact" alternative is not feasible. Even if the existing channels were left untouched, the necessity of channelizing the flow would require that the existing flows be removed from the Line D and D-1 channels causing indirect impacts to those areas from the permanent loss of flow. Regardless of the methodology, the existing channels are not appropriately sized and/or configured to safely convey annual rain events under Madison Ave. and Jefferson Ave. See DBESP (attached) p.19 for full discussion

**MINIMIZATION OF IMPACTS** (See instructions.)

The proposed CIP #8157 Flood Control project has been redesigned to minimize impacts to riparian and riverine resources within the problematic area (flooding areas). Of all the alternatives reviewed and analyzed which relieved the streets overtopping at Madison Avenue and Jefferson Avenue, this proposed CIP alternative avoids the greatest area of wetland habitat relative to the proposed 1999 Riverside County Flood Control and Water Conservation District (RCFCWCD) Alternative. See DBESP (attached) p.19 for full discussion

**PROTECTION OF WATER QUALITY – CONSTRUCTION** (See instructions.)

In order to protect water quality a Storm Water Pollution Prevention Plan (SWPPP; attached) was prepared to identify how the potential impacts would be avoided. This plan has six main objectives: Identify all pollutant sources, including sources of sediment that may affect the quality of storm water discharges associated with construction activity (storm water discharges) from the construction site, and Identify non-storm water discharges, and

Identify, construct, implement in accordance with a time schedule, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site during construction, and

Develop a maintenance schedule for BMPs installed during construction designed to reduce or eliminate pollutants after construction is completed (post-construction BMPs).

Identify a sampling and analysis strategy and sampling schedule for discharges from construction activity which discharge directly into water bodies listed on Attachment 3 of the Permit (Clean Water Act Section 303(d) [303(d)] Water Bodies listed for Sedimentation).

For all construction activity, identify a sampling and analysis strategy and sampling schedule for discharges discovered through visual monitoring with the potential to be contaminated by pollutants not visually detectable in the runoff.

Construction activities that have the potential to contribute sediment to storm water discharges include:

- Clear and grub operations
- Grading operations
- Utility excavation operations
- Sandblasting operations
- Landscaping operations
- Paving operations
- Washing-down of equipment

Any construction activity other than those listed above shall be maintained in accordance with the general intent of the SWPPP (P. 500-3-13).

Attachment C of the SWPPP lists all Best Management Practices (BMPs) that have been selected for implementation in this project. Implementation and location of BMPs are shown on the WPCDs in Attachment B. Narrative descriptions of BMPs to be used during the project are listed by category in each of the following SWPPP sections. Attachment Q includes a list, and/or copies of the fact sheets of all the BMPs selected for this project.

**PROTECTION OF WATER QUALITY – POST-CONSTRUCTION (See instructions.)**

As discussed in the prepared "Water Quality Management Report" (attached, Excel 2010) no impervious area is proposed, the pervious ratio between pre- and post- development remains the same. The public street component of the runoff for this project is treated with a clearwater drain insert and a sand filter system. As a whole, this project proposes a better storm water conveyance with long term benefits than currently exist (WQMP; P. A-10-23).

The following are the post-construction BMPs (SWPPP; P. 500-14, attached) that are to be used at this construction site after all construction is complete:

- SD-10, for Basins
- SD\_12, for Basins
- SD-13, Storm Drain Signage
- SE-7, Street Sweeping and Vacuuming
- MP-40, Media Filter
- EC-10, Outlet protection/velocity dissipation devices at all culvert outlets.
- Train maintenance personal to perform routine measures such as trash and debris cleanup, vegetation management, and waste material disposal.
- Explore using less toxic, more environmentally friendly products in basins to reduce or eliminate pollution source

The post-construction BMPs that are described above will be funded and maintained by the landscape and Lighting district maintaining the basins, drain lines and structures

**PROTECTION OF WATER QUALITY – IMPAIRED WATER BODY(IES).** (See instructions.)

Are any of the water body(ies) within the project area, including impacted and preserved water body(ies), list as impaired on the Clean Water Act Section 303(d) list?

Yes  No

Are any of the water body(ies) within the project area a tributary to a Clean Water Act Section 303(d) water body(ies)?

Yes  No

Are any of the water body(ies) within the project area the subject of an adopted Total Maximum Daily Load (TMDL)?

Yes  No

If yes, provide a detailed description of the actions that will be taken to ensure that the project does not contribute additional pollutants to the water body(ies). Include a discussion of the pollutants causing the impairment, potential sources of pollutants, and construction and post-construction BMPs.

N/A

**STATE OR FEDERALLY THREATENED OR ENDANGERED SPECIES IMPACTED BY THIS PROJECT** (See instructions.)

Are any state or federally threatened or endangered species potentially impacted by this project?

Yes  No

If yes, provide a list of the potentially impacted species (with common name).

N/A

**FILL AND DREDGE INFORMATION** (See instructions.)

Water Body Type	Permanent Impact		Temporary Impact	
	Acres	Linear Feet	Acres	Linear Feet
ACOE Jurisdictional Wetland	0.06	50	N/A	N/A
Streambed	0.93	2400	N/A	N/A

Lake/Reservoir	N/A	N/A	N/A	N/A
Ocean/Estuary/Bay	N/A	N/A	N/A	N/A
Isolated Water (per SWANCC or Rapanos)	N/A	N/A	N/A	N/A
CDFG Jurisdiction Only	N/A	N/A	N/A	N/A

Provide the latitude and longitude for the proposed impacts.

Latitude 33° 32' 54.68" N Longitude 117° 11' 44.15" W (Center Reading)

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

Does the project involve dredging? Yes  No

If yes, provide the required information (See Instructions.)

N/A

Provide the latitude and longitude of the proposed dredging area.

Latitude N/A Longitude NA (Center Reading)

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

Latitude N/A Longitude N/A

**DELINEATION INFORMATION** (See instructions.)

Has the delineation been verified by the U.S. Army Corps?

Yes

No

If yes, provide the date of verification. 2007 - Jae Chung

Does the wetland delineation include the Arid West Region supplement? Yes  No

Provide the name, title, and affiliation of the person delineating the extent of Waters of the U.S. Also provide the date(s) of the wetland delineation.  
 RECON environmental Gerry Scheit. October 2006 (updated, Attachment to DBESP),  
 Delineation biologist states that the identified potential jurisdictional areas are completely assessed and the recent ARW supplement changes do not alter the original delineation completed.

**3. OTHER LICENSES/PERMITS/AGREEMENTS**

**OTHER APPROVALS** (See instructions.)

Agency	Contact (Include phone number, email)	License/Permit/Agreement	File Number	Date Applied	Status
ACOE	Jae Chung 951-898-6171	404		1-22-10	ongoing
CDFG	Jeff Brandt 909-987-7161	1600		1-22-10	ongoing
City of Murrieta	Dennis Watts 951-461-6037	MND/NOD	2009101057		approved

Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license?

Yes  No

**4. COMPENSATORY MITIGATION**

Is compensatory mitigation proposed? Yes  No

(See instructions for definitions.)

Water body Type/Plant Community Type	Establishment (Acres, Linear Feet)	Restoration (Acres, Linear Feet)	Enhancement (Acres, Linear Feet)	Preservation (Acres, Linear Feet)
open channel	0.971, 1,550	N/A	N/A	N/A
Fresh Water Marsh-Mulefat/ Mulefat-Willow Scrub	0.37, 50	N/A	N/A	N/A


How many acres or linear feet of mitigation area are considered waters of the U.S.?

1.34 acres and approximately 1600 linear feet

What is the range of depths to groundwater across the proposed mitigation area?

approximately 5 feet

Is the mitigation site owned by the applicant?      Yes       No

If no, provide the name(s), address(es), and phone number(s) of the land owner and evidence (e.g., agreements, contracts, etc.) that the applicant has the necessary approvals to implement mitigation at this location. If the land is to be purchased, provide the expected date that the purchase will be complete. Mitigation shall be completed as part of and within the footprint of the CIP whose construction on private land has been permitted. City NOD and Owners contact information is attached.

Provide the location of the Compensatory Mitigation.

Street Address no address: located north of intersection of Jefferson Ave and Guava St

County Riverside      City Murrieta

Assessor's Parcel Number(s) 910-410-012,13,14,15,17,18,19/910-140-020, 31,32, 44, 57

Hydrologic Unit, Area, and Subarea Santa Margarita, Murrieta hydrologic, Murrieta hydro

Latitude 33° 32'54.68"N      Longitude 117°11'44.15 W      (Center Reading)

Latitude N/A      Longitude N/A

Latitude N/A      Longitude N/A

Latitude N/A      Longitude N/A

Latitude N/A      Longitude N/A

**MITIGATION BANK/IN-LIEU FEE PROGRAM** (If proposed, See instructions.)

Mitigation Bank/In-Lieu Fee Name: N/A

Name of Mitigation Bank/In-Lieu Fee Operator: N/A

Office Address of Operator/Phone Number: N/A

Mitigation Bank/In-Lieu Fee Location: Latitude: N/A Longitude: N/A

County: N/A City: N/A

Mitigation Bank/In-Lieu Fee Water Body type(s): N/A

Mitigation Area (acres or linear feet) and cost (dollar): N/A

**5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Document Type/Title: Mitigated Negative Declaration

Lead Agency and Contact Information (name, address, phone number):

Name City of Murrieta

Address 24601 Jefferson Ave

Murrieta, CA 92562

Phone Number 951-461-6037

State Clearinghouse Number: 2009101057

Has the document been certified/approved and/or has a Notice of Exemption been filed?

Yes  No

(If yes, include a copy of the certification. If no, provide the expected approval date and document type.)

approved NOD attached

Is this project considered an "emergency" pursuant to CEQA? Yes  No

\*Note: Section 401 certification will not be granted without a certified CEQA document.

**6. ADDITIONAL INFORMATION**

**PAST/FUTURE IMPACTS AND CUMULATIVE IMPACTS** (See instructions.)

The proposed MSHCP covered/permitted flood control facility will not significantly contribute to the regional cumulative impacts to biological resources. As opposed to typical "development" projects, once the facility is constructed the wetlands functions and values of the area will be improved due to the fact that the area currently supports no quality wetland habitat and the proposed project will replace the existing poor quality habitat with higher quality habitat due to the nature of soft bottom flood control channels. Mitigation will be required for the significant impacts to 0.99 acres of sensitive plant communities including: 0.93 acres of open channel, 0.01 acres of fresh water marsh and 0.05 acres of mule fat scrub. All mitigation shall be completed within the project footprint. See Biological Technical Report P. 29 (attachment in DBESP, BLUE 2009)

<b>7. APPLICATION FEE</b>	
<b>FILING FEE</b>	
A fee deposit of \$640.00 is required to be submitted with this application. Additional fees, based on the extent of impacts, may be due. A fee schedule and calculator can be found at: <a href="http://www.waterboards.ca.gov/water_issues/programs/cwa401/">http://www.waterboards.ca.gov/water_issues/programs/cwa401/</a>	
Is check payable to the "State Water Resources Control Board" attached?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Check No. _____	Amount <u>\$640.00</u>

<b>8. SIGNATURE</b>	
I hereby certify under penalty of perjury that the information provided in this application and in any attachments are true and accurate to the best of my knowledge. I further certify that I possess the necessary authority to undertake work described in this application.	
_____	_____
Applicant's Printed Name	Title
_____	_____
Applicant's Signature (This <b>must</b> be signed by the applicant, <u>not</u> the authorized agent)	Date

Attach the appropriate fee and any additional documents and submit this application to:

California Regional Water Quality Control Board, San Diego  
 Attn: 401 Water Quality Certification  
 9174 Sky Park Court, Suite 100  
 San Diego, CA 92123

**401 Certification Application  
Supplemental information:**

**Property Owners Within CIP #8157 Footprint**

1. City of Murrieta Redevelopment Authority;
2. Hemacinto Commonwealth Opportunity Fund;
3. MGP Murrieta, L.P.;
4. Walmart; C/O Gresham Savage

1. APN: 910-140-044

Owner's Name: Redevelopment Agency of the City of Murrieta

Address: 24601 Jefferson Avenue, Murrieta, CA 92562

Attn: Mary E. Lanier

Phone: 951.461.6060

E-Mail: [mlanier@murrieta.org](mailto:mlanier@murrieta.org)

2. APN: 910-140-031, -032, -057, -064, -065, -066

Owner: Hemacinto Commonwealth Opportunity Fund LP

Address: 630 E. Latham Avenue (Official address of entity)

Hemet, CA 92541

Phone: 310.403.5627

E-Mail: [jackminglee@hotmail.com](mailto:jackminglee@hotmail.com)

3. APN 910410012-0, 910410013-1, 910410014-2 and 910410015-3;

Address: MGP Murrieta, L.P.

41623 Margarita Road Suite 100

Temecula, CA 92591-2989

Phone: 951-491-6309

e-Mail: [cdaly@westmarbre.com](mailto:cdaly@westmarbre.com)

4. APN 910-410-017, 910-410-017, 910-410-018

Address: 550 E Hospitality Lane

Suite 300

San Bernardino, CA 92408

Phone: 909-890-4499

e-Mail: [Matthew.Nelson@greshamsavage.com](mailto:Matthew.Nelson@greshamsavage.com)

# NOTICE OF DETERMINATION

City of Murrieta  
Planning Department

To:  Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

**FILE**  
RIVERSIDE COUNTY  
DEC 22 2009

From: (Public Agency) City of Murrieta  
24601 Jefferson Avenue  
Murrieta, CA 92562  
(Address)

County Clerk-Recorder's Office  
County of Riverside By LARRY W. WARD, CLERK  
2724 Gateway Drive  
Riverside, CA 92507

Project Proponent: City of Murrieta (951) 461-6037  
(Attn: Dennis Watts)  
24601 Jefferson Avenue  
Murrieta, CA 92562

### Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

### LINE D AND LINE D-1 REALIGNMENT (CIP # 8157)

#### Project Title

2009101057  
State Clearinghouse Number  
(If submitted to Clearinghouse)

Dennis Watts, Senior Planner  
Lead Agency  
Contact Person

(951) 461-6037  
Area Code/Telephone/Extension

**Project Location** (include county): County of Riverside, City of Murrieta. The project site encompasses +/-49.9 acres and is located northwest of Guava Street, northeast of Jefferson Avenue, and southwest and northwest of Madison Avenue within the southwest section of the City of Murrieta. The proposed project is located on the USGS - Murrieta Quadrangle, 7.5 Minute Series Topographic Map within the Rancho Temecula land grant in Township 7 South, Range 3 West. The project site APN's are 910-410-012, 13, 14, 15, 17, 18, 19 and 910-140-020, 031, 032, 044, 057, 064 thru -066.

**Project Description:** The proposed project is the implementation of part of the Murrieta Creek Master Drainage Plan (MDP) adopted by the Riverside County Flood Control and Conservation District. It would connect an upstream flood control pipe northeast of Madison Avenue to existing drainage on the southwest side of Jefferson Avenue through a series of underground pipes and open, soft bottom, channels. There would also be a berm to control flooding across Jefferson Avenue that would be removed if and when flood control improvements are made to the adjacent property. The proposed configuration is a slight deviation from the general alignment conceptualized in the MDP as it optimizes the ability to develop commercial properties along the alignment in the future.

This is to advise that the City of Murrieta has approved the above-described project on  
December 16, 2009 and has made the following determinations regarding the above described project:  
(Date)

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [ was  was not] adopted for this project.
5. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final Mitigated Negative Declaration with comments and responses and record of project approval is available to the General Public at:

City of Murrieta, 24601 Jefferson Avenue (1 Town Square) Murrieta, CA 92562

Dennis Watts  
Signature (Public Agency)

12/16/09  
Date

Senior Planner  
Title

Date received for filing at OPR:

**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**  
(33 CFR 325)

**OMB APPROVAL NO. 0710-0003**  
**EXPIRES: 31 August 2012**

Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please **DO NOT RETURN** your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

**PRIVACY ACT STATEMENT**

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

5. APPLICANT'S NAME: First - Middle - Last - Company - City of Murrieta E-mail Address - pthomas@murrieta.org			8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) First - Michael Middle - k Last - Jefferson Company - BLUE Consulting Group E-mail Address - mike@blueconsulting.com		
6. APPLICANT'S ADDRESS: Address - One Town Square, 24601 Jefferson Ave. City - Murrieta State - CA Zip - 92562 Country - USA			9. AGENT'S ADDRESS Address - P.O. Box 658 City - San Marcos State - CA Zip - 92069 Country - USA		
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax 951-461-6037 951-698-3416			10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax 858-391-8145		

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, Michael Jefferson to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions) Line D and Line D-1 Realignment (CIP #8157)	
13. NAME OF WATERBODY, IF KNOWN (if applicable) tributaries to Murrieta Creek	14. PROJECT STREET ADDRESS (if applicable) Address north of intersection of Jefferson and Gueva City - Murrieta State - CA Zip - 92562
15. LOCATION OF PROJECT Latitude: °N 33°32'54.68" Longitude: °W 117°11'44.15"	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Murrieta Quadrangle Section - 21 Township - 7S Range - 3W	
DIRECTIONS TO THE SITE	

18. Nature of Activity (Description of project; include all features)

The proposed Murrieta Creek Area MDP-Line D Flood Control Project is an approximately 5,600 linear foot long soft bottom and underground pipe combination flood control channel linking the pipe outlet east of Madison Avenue to the eastern side of Jefferson Ave. (immediately north of the intersection at Guava St.) in the City of Murrieta, CA. Continued on the Supplemental Information attachment.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To remove the flood threat to both citizens and public infrastructure CIP #8157 prevent the flooding in the area which results from a current inability to appropriately capture and convey flows From Line D and D-1 under Madison Ave and Jefferson Ave. Continued on the Supplemental Information attachment.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

The existing Line D and Line D-1 are proposed to be filled and the ephemeral flows through the area shall be collected and safely conveyed within the proposed CIP #8157 underneath Madison Ave and Jefferson Ave. Continued on the Supplemental Information attachment.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Sedimentary Bedrock and Gal (Undifferentiated Alluvial / Colluvial Soils) 56,000 CY		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 0.99  
Or  
Liner Feet 2,450

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Continued on the Supplemental Information attachment.

24. Is Any Portion of the Work Already Complete? Yes  No  IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

Address - See Supplemental Information attachment.

City - State - Zip -

26. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
City of Murrieta	MND	clearing house #2009101057		16 Dec. 2009	

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF AGENT

\_\_\_\_\_  
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$,000 or imprisoned not more than five years or both.

**404 Permit Application  
Supplemental information:**

**Block #17: Directions to the Site**

From Interstate 15, exit Murrieta Hot Springs Road-travel west. At Jefferson Ave turn left-south. Approximately 2,400 feet south, Line D passes underneath Jefferson Ave. and approximately 600 feet after that, Line D-1 passes underneath Jefferson Ave.

**Block #18: Nature of Activity**

The flooding in the area is the result of a current lack of ability to appropriately capture and convey flows From Line D and D-1 under Madison Ave and Jefferson Ave.

Where Line D-1 crosses Madison Avenue through a triple 36" Reinforced Concrete Pipe (RCP) culvert the Line D-1 master design flow is too much for these triple 36" RCP to handle (Supplemental Hydrology Study, Excel 2009). As a result, flooding occurs here during all significant storm events, typically annually.

Line D-1 crosses Jefferson Avenue approximately 800 feet to the south of where Line D crosses Jefferson through an existing double 7'x14' RCB. This RCB was design to handle both master drainage flows of Line D & D-1. Currently this culvert has significant capacity for additional flows under Jefferson Ave.

Line D crosses Jefferson Ave. through an existing triple arch culvert. This existing triple arch culvert is significantly undersized which again leads to predictable over topping of this section of the street. This undersized culvert and the flooding problems it creates are proposed to be resolved not by replacing the existing RCP's where Line D crosses Jefferson Ave., but through an engineered pipe system which allows the overflow runoff of Line D to confluence with Line D-1 (whose culvert has remaining capacity). Once the overflow has been re-routed from Line D to the Line D-1 culvert, the excess flows then safely cross Jefferson Avenue through both the existing Line D-1 double 7'x14' RCB which was designed to handle both master drainage flows of Line D & D-1 as well as the Line D triple arch culvert.

All flows which originated in either Line D or Line D-1 prior to being conveyed below Jefferson Ave. (to the east) will then be transferred back into the natural open channels on the west side of Jefferson Ave.

For additional information and illustrations see the Determination of Biologically Equivalent or Superior Preservation (DBESP; BLUE, 2009) that was prepared in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for impacts to Riparian and Riverine Areas associated with the implementation of the proposed portion of the Murrieta Creek area MDP Line D and D-1 flood control project, a City of Murrieta CIP project.

Where Line D-1 crosses Madison Avenue through a triple 36" Reinforced Concrete Pipe (RCP) culvert the Line D-1 master design flow is too much for these triple 36" RCP to handle (Supplemental Hydrology Study, Excel 2009). As a result, flooding occurs here during all significant storm events, typically annually.

Line D-1 crosses Jefferson Avenue approximately 800 feet to the south of where Line D crosses Jefferson through an existing double 7'x14' RCB. This RCB was design to handle both master drainage flows of Line D & D-1. Currently this culvert has significant capacity for additional flows under Jefferson Ave.

Line D crosses Jefferson Ave. through an existing triple arch culvert. This existing triple arch culvert is significantly undersized which again leads to predictable over topping of this section of the street. This undersized culvert and the flooding problems it creates are proposed to be resolved not by replacing the existing RCP's where Line D crosses Jefferson Ave., but through an engineered pipe system which allows the overflow runoff of Line D to confluence with Line D-1 (whose culvert has remaining capacity). Once the overflow has been re-routed from Line D to the Line D-1 culvert, the excess flows then safely cross Jefferson Avenue through both the existing Line D-1 double 7'x14' RCB which was designed to handle both master drainage flows of Line D & D-1 as well as the Line D triple arch culvert.

All flows which originated in either Line D or Line D-1 prior to being conveyed below Jefferson Ave. (to the east) will then be transferred back into the natural open channels on the west side of Jefferson Ave.

The proposed flood control CIP project will significantly impact a total of 0.99 acres of sensitive habitat within a 2,450 linear foot long, predominately unvegetated open channel. These 0.99 acres of sensitive plant community impacts include: 0.93 acres of open channel (2,220 linear feet), 0.01 acres of fresh water marsh (30 linear feet) and 0.05 acres of mule fat scrub (no linear impact).

A minimum total of 1.05 acres of wetland habitat creation is required to mitigate for the proposed CIP flood control channel impacts for this project.

For additional information and illustrations see the Determination of Biologically Equivalent or Superior Preservation (DBESP; BLUE, 2009) that was prepared in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for impacts to Riparian and Riverine Areas associated with the implementation of the proposed portion of the Murrieta Creek area MDP Line D and D-1 flood control project, a City of Murrieta CIP project.

## **Block #19: Proposed Project Purpose**

This proposed CIP #8157 Flood Control Project is primarily intended to protect people that travel the area, allow for emergency services movement, allow the parallel streets to operate at all times when the Interstate 15 (I-15) is stopped for emergency purposes, and to protect the existing road infrastructure and the utilities beneath the roads from 100-year rain (flood) events for the life of the project. The secondary project objective is to improve upon the riverine wetland functions and values of the Line D system in order to protect the habitat and species downstream. As stated, currently Madison Avenue and Jefferson Avenue are significantly impacted by rainfall events (typically as often as annually) which cause flooding and the subsequent closure of these streets (RCFCWCD, 1999) to all traffic. This creates a safety issue as these closures cut-off all emergency services in the north-south direction from Murrieta Hot Springs Road to Fig Street and from I-15 to Murrieta Creek. The drainage lines identified in the Murrieta Creek Area Master Drainage Plan as Line D & D-1 are the locations of the current street overtopping

The proposed Murrieta Creek Area MDP-Line D Flood Control Project, as referred to in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), is an approximately 5,600 linear foot long soft bottom and underground pipe combination flood control channel linking the pipe outlet east of Madison Avenue to the eastern side of Jefferson Ave. (immediately north of the intersection at Guava St.) in the City of Murrieta, CA.

Recent engineering studies (attached) have shown that the existing Line D and Line D-1 watercourse, Line D-1 is a tributary to Line D, is inadequate in terms of both hydraulic capacity and channel bank and bed stability. The existing earthen swale can contain storm flows from only minor events (far less than the 100-year flood discharge), and the roads are in jeopardy of being overtopped during relatively minor storm events. Likewise, the hydraulic flood plain analysis and flood photos show that Line D-1 storm flows vary in path between Madison Avenue and Jefferson Avenue and impact both streets at numerous points. This inadequacy poses a flood threat to both citizens and public infrastructure. Further, the over five square mile watershed tributary to Line D, Stage 3, which includes a large area of the City of Murrieta, has experienced extensive urbanization over the past ten years. As the area continues to evolve from a primarily agricultural region to a more urban setting, these flooding threats will be exacerbated (RCFCWCD, 1999).

As stated, the flooding in the area is the result of a current lack of the ability to appropriately capture and convey flows From Line D and D-1 under Madison Ave and Jefferson Ave.

For additional information and illustrations see the Determination of Biologically Equivalent or Superior Preservation (DBESP; BLUE, 2009) that was prepared in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for impacts to Riparian and Riverine Areas associated with the implementation of the proposed portion of the Murrieta Creek area MDP Line D and D-1 flood control project, a City of Murrieta CIP project.

**Block #20: Reasons for Discharge**

Due to the fact that this is a proposed flood control facility which has been specifically designed to capture and convey water, safely, the "no impact" alternative is not feasible. Even if the existing channels were left untouched, the necessity of channelizing the flow would require that the existing flows be removed from the Line D and D-1 channels causing indirect impacts to those areas from the permanent loss of flow. Regardless of the methodology, the existing channels are not appropriately sized and/or configured to safely convey annual rain events under Madison Ave. and Jefferson Ave.

The material removed for the excavated footprint of the Flood Control Channel shall be used to fill in the Line D and D-1 channels as their ephemeral flows will have been re-directed into the completed Flood Control Channel.

**Block #21: Type and Amount of Material to be Discharged**

Total grading volume for the project is 56,000 CY cut and fill. No material will need to be imported or exported from the project.

The material is comprised of QP (Sedimentary Bedrock) and Qal (Undifferentiated Alluvial / Colluvial Soils)

**Block #23: Description of Avoidance, Minimization and Compensation**

Due to the fact that this is a proposed flood control facility which has been specifically designed to capture, control and convey stormwater, safely, the 'no impact' alternative does not meet the project goals.

**Analyzed Alternatives**

The proposed CIP #8157 Flood Control project has been redesigned to minimize impacts to riparian and riverine resources within the problematic area (flooding areas). Of all the alternatives reviewed and analyzed which relieved the streets overtopping at Madison Avenue and Jefferson Avenue, this proposed CIP alternative avoids the greatest area of wetland habitat relative to the proposed 1999 Riverside County Flood Control and Water Conservation District (RCFCWCD) Alternative.

Riverside County Section 404(b)(1) Alternative Analysis, 1999

As stated in the Riverside County Section 404(b)(1) Alternative Analysis for the area (attached, 1999);

...flooding of Jefferson Ave., Madison Ave., and Guava St. poses a significant safety hazard and must be resolved. Only correcting the shortcomings of the infrastructure on Line D where it crossed Jefferson Ave. would not resolve the issue of flooding Madison Ave. at all and due to the infrastructure-overwhelming

flows from Line D-1, Jefferson Ave. would likely still continue to be flooded and closed.

In 1999, the Riverside County Section 404(b)(1) Alternative Analysis and reporting completed by the Riverside County Flood Control and Water Conservation District resulted in a committee recommended channel (Figure 7). As shown, the RCFCWCD option would effectively collect the equivalent amount of water and convey it safely under Madison and Jefferson Ave (preventing the flooding at the intersection of Guava and Jefferson) as does the proposed CIP project. However, the RCFCWCD option collects the flows from Line D significantly further upstream while Line D-1 would be collected in the same location as the proposed alternative (from an existing pipe outlet). Instead of collecting the flows from Line D as early as possible (as does the RCFCWCD, immediately west of I-15), the proposed CIP collects/intercepts the Line D-1 flows with a catchment structure along the width of the floodplain on the east side of Jefferson Ave.

In total, relative to the 1999 RCFCWCD alternative, the proposed CIP Flood Control project preserves an additional 2,976 linear feet of vegetated wetland channel which does support hydphytic soils and approximately 4.42 acres of wetland habitat vegetation (by CIP design, the Line D and D-1 habitat to be impacted are limited to those areas that did not support high quality wetland habitat; such as the southern willow scrub approximately 150 feet north of the CIP project footprint in Line D). This avoided sensitive habitat within Lines D and D-1 (freshwater marsh immediately adjacent to the west side of Jefferson Ave at the culvert outfall), and both north (upstream) and west (downstream) of the proposed CIP channel is comprised of the following; approximately 2.6 acres of southern willow scrub, 0.29 acres of fresh water marsh, 0.56 acres of mulefat scrub, and 0.97 acres of open channel habitat.

In contrast, the proposed CIP impacts a total of 0.99 acres of significant habitat while completing the goals of the RCFCWCD and avoiding the additional 2,976 linear feet as well as the 4.423 acres of wetland habitat vegetation.

#### CIP Flood Control Channel Alternative Analysis, 2009

As stated previously, due to nature of the proposed project itself (a flood control facility) and the areas topographic limitations, an alternative avoiding all riparian and/or riverine resources is not feasible for this project. Furthermore, as concluded by the hydrology studies prepared by Excel Engineering (attached, 2008-9), this is also true in terms of further reducing significant impacts and preserving additional sensitive habitat (beyond what is currently proposed).

Because a relatively significant amount of water which needs to be collected in a relatively small and developed area, only two options which meet the project goals and are practicable remain: limit direct impacts such as the proposed grading which widens and realigns the existing channel, or create permanent indirect impacts related to the complete diversion of flow (leave the historic channel in place while diverting all flows into a pipe) to the "preserved" Line D and D-1 channels west of Jefferson Ave.

In order to determine if additional existing alluvial dry channel, mulefat scrub or fresh water marsh could be preserved in place (relative to the proposed CIP project) while safely ensuring the conveyance of flows under Madison Ave and Jefferson Ave. (flood prevention), an alternative project alignment was designed by Excel Engineering (Line D-1 Alternate Alignment, 2009). The results of this study are summarized here, the full document is located in the Appendix of this document.

As discussed, this proposed CIP #8157 project has been designed over numerous iterations, with public comment, over the past 12 years to effectively find a project which resolves the serious flooding and street overtopping issues while preserving and ultimately enhancing the biological and mechanical functions and values of the area. The proposed CIP is economically feasible (proposed CIP is on private land, with land owner cooperation), it is the least impactful biologically and safely captures and conveys flows (up to a 100 year event) under Madison Ave. and Jefferson Ave. (Excel, 2009) which prevents the dangerous overtopping.

As a result, the downstream flow rate (or "Q"), pollutants, and sediment transfer of both D and D-1 will, at the very worst, remain the same as exists today. With the proposed wetland mitigation measures in place, the proposed flood control channel CIP is at least equivalent in functions and values relative to the existing conditions.

Finally, the resources are small in area and have a high perimeter to area ratio. Complete avoidance would result in excessive right of way take and severage damages (significant additional area required for extensive grading required) insufficient to bear the costs of required public improvements for the flood control CIP project, preventing the flood control CIP from being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Therefore, avoidance of all the riparian/riverine resources within the footprint of the flood control CIP is not considered to be feasible.

The proposed flood control CIP project will significantly impact a total of 0.99 acres (2,220 linear feet) of sensitive habitat within a 2,450 linear foot long, predominately unvegetated open channel. These 0.99 acres of sensitive plant community impacts include: 0.93 acres of open channel (2,220 linear feet), 0.01 acres of fresh water marsh (30 linear feet) and 0.05 acres of mule fat scrub (not a significant impact).

A minimum total of 1.05 acres of wetland habitat creation is required to mitigate for the proposed CIP flood control channel impacts for this project.

As a component of the CIP project, a total of 1.34 acres of open channel and mulefat/willow scrub habitat is proposed to be created within the channel footprint. The required wetland mitigation shall be completed within the proposed CIP channel footprint.

This area shall be created and maintained in perpetuity as it is within the existing flow line of Line D (where it intersects Jefferson Ave.) and within the future Flood Control Channel basin to

the east under a Landscaping and Lighting District to be formed by the City with assessments on the tax bills of adjoining property owners.

For additional information and illustrations see the Determination of Biologically Equivalent or Superior Preservation (DBESP; BLUE, 2009) that was prepared in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for impacts to Riparian and Riverine Areas associated with the implementation of the proposed portion of the Murrieta Creek area MDP Line D and D-1 flood control project, a City of Murrieta CIP project.

**Block #25: Addresses of Property Owners Adjoining the Waterbody(s)**

1. City of Murrieta Redevelopment Authority;
2. Hemacinto Commonwealth Opportunity Fund;
3. MGP Murrieta, L.P.;
4. Walmart; C/O Gresham Savage

1. APN: 910-140-031, -032, -057, -064, -065, -066  
Owner: Hemacinto Commonwealth Opportunity Fund LP  
Address: 630 E. Latham Avenue (Official address of entity)  
Hemet, CA 92541  
Phone: 310.403.5627  
E-Mail: [jackminglee@hotmail.com](mailto:jackminglee@hotmail.com)

2. APN: 910-140-044  
Owner's Name: Redevelopment Agency of the City of Murrieta  
Address: 24601 Jefferson Avenue, Murrieta, CA 92562  
Attn: Mary E. Lanier  
Phone: 951.461.6060  
E-Mail: [mlanier@murrieta.org](mailto:mlanier@murrieta.org)

3. APN 910410012-0, 910410013-1, 910410014-2 and 910410015-3;  
Address: MGP Murrieta, L.P.  
41623 Margarita Road Suite 100  
Temecula, CA 92591-2989  
Phone: 951-491-6309  
e-Mail: [cdaly@westmarbre.com](mailto:cdaly@westmarbre.com)

4. APN 910-410-017, 910-410-017, 910-410-018  
Address: 550 E Hospitality Lane  
Suite 300  
San Bernardino, CA 92408  
Phone: 909-890-4499  
e-Mail: [Matthew.Nelson@greshamsavage.com](mailto:Matthew.Nelson@greshamsavage.com)