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Santa Ana Regional Water Quality Control Board

S-6

March 29, 2013

Cathy Bechtel, Project Development Director
Riverside County Transportation Commission
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RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT/ SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT, MID-COUNTY PARKWAY - RIVERSIDE COUNTY TRANSPORTATION COMMISSION, SCH# 200411103

Dear Ms. Bechtel:

Staff of the Regional Water Quality Control Board, Santa Ana Region (RWQCB) has reviewed the January 2013 Recirculated Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the proposed Mid-County Parkway (MCP). The Project is a multi-lane regional, limited access highway proposed for construction between State Route 79 west of San Jacinto (SR-79) and Interstate 215 in Perris (I-215), generally following the present alignment of Ramona Expressway.

The Project would be approximately 16 miles long, depending on which of the following three "Project Build" alternative routes (diverging at about Evans Road, Perris) is chosen (RDEIR/ SDEIS p.2-7-19) for the western end of the MCP:

- 1) **Alternative 4 Modified**, which would curve the parkway to the north along and across the Perris Storm Drain (PSD), then intersect the I-215 near the present Ramona Expressway interchange. A 1.8-mile bridge would be built over the PSD floodplain that would require placement of bridge columns in the PSD channel (RDEIR/SDEIS at p.2-28);
- 2) **Alternative 5 Modified**, which would direct the parkway slightly toward the northwest, to join the I-215 near Rider Street. A 700-ft bridge across the PSD would require placement of bridge columns in the PSD channel; or,
- 3) **Alternative 9 Modified**, the most southerly alignment, which would continue the parkway westerly to join the I-215 near Placentia Avenue. An 800-ft bridge across the PSD would require placement of bridge columns in the PSD channel.

As discussed below, two "design variations" are also proposed as additional options to be considered with these three Alternatives: the "San Jacinto River Bridge Design Variation" (SJR DV) proposed for the central portion of the MCP, and the "San Jacinto North Design Variation" (SJV DV) proposed for the MCP connection with SR-79.

We request that the following comments be incorporated into the final REIR/SEIS, in order to protect water quality standards (i.e., water quality objectives and beneficial uses) identified in the

Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):

1. The final REIR/SEIS should reflect that Regional Board staff prefers the Alternative 5 Modified options over the Alternative 9 Modified options (see Comment 3, below), because under Alternative 5 Modified, overall, fewer acres of waters of the state and of the U.S. are likely to receive temporary or permanent impacts. Alternative 5 Modified will have slightly greater permanent impact on federal waters, but less permanent impact on federal wetlands. Regional Board staff recommends no further consideration of Alternative 4 Modified options, which would have the greatest impact of the three Alternatives on wetlands, riparian water bodies, and their water quality standards (RDEIR/SDEIS Appendix E, Table E.2; Table S.1, "Impacts of the MCP Build Alternatives," Executive Summary at p.S-53; Appendix P, Table A).
2. The RDEIR/SDEIS does not clearly report the area of the San Jacinto River channel and its floodplain that would receive fill for construction of either the original MCP "base case" bridge design or its proposed variation. The lack of clarity may lead to conflicting statements, as we explain below.

S-6-1

In the central segment of the MCP route, each Alternative would cross the San Jacinto River directly south of the existing 255-foot Ramona Expressway bridge, which spans the width of the active channel only. The Project's base case bridge is for two parallel, 4,326 foot long continuous spans, supported by columns or bents, across the San Jacinto River and its entire floodplain. The RDEIR/SDEIS proposes the "San Jacinto River Bridge Design Variation" (SJRBDV) to the original design. The SJRBDV consists of a 1,941-foot span over the San Jacinto River and most of its floodplain, plus an additional 531-foot span over Martin Street farther west (a total span length of 2,472 feet for the two bridges). The RDEIR/SDEIS at p.2-17 adds, "The SJRBDV would also include a total of 1,849 linear feet of fill on either end of the bridges within the same limits as the base case bridge." Therefore, we understand that the total length of the SJRBDV system would be 2,472 feet of bridges plus 1,849 linear feet of fill placed at the ends of both bridges (equaling 4,321 linear feet, nearly that of the base case bridge).

S-6-2

Given the above discussion in the RDEIR/SDEIS, including the projected "...series of short spans..." (RDEIR/SDEIS at p.2-29) for the SJRBDV, Regional Board staff believe that the final REIR/SEIS should clarify whether the SJRBDV 1) constitutes a single line of two bridges (versus the parallel "base case" spans) and 2) would result in placement of more fill in the river's floodplain than would the "base case" bridge, while spanning the same width of floodplain. The RDEIR/SDEIS does not report or show details of how the segments SJRBDV system would be joined. If the connection between the two segments involves placement of additional fill within the floodplain, the area and volume of the fill should be reported. For clarity, the final RDEIR/SDEIS should have profile drawings (similar to the profile for a typical wildlife crossing in Appendix I, Attachment E), comparing the profiles of the SJRBDV and the "base case" bridge, so that the differences between these design variations can be visualized for analysis. Plan views comparing the "base case" bridge and the SJRBDV would also be helpful.

Additionally, Appendix E, Table E.2, which lists jurisdictional delineations, and Appendix I, Attachment D, "Summary of Bridge Descriptions and Avoidance of Jurisdictional Areas—Modified MCP," indicate that both the SJRBDV and the "base case" bridge scenarios (bridge pier bents, abutments, etc.) have identical impacts to jurisdictional waters (Table E.2), and will completely avoid federal and state jurisdictional waters (Attachment D). The final RDEIR/



SDEIS should clarify how both cases are true, if the original base case bridge entails less of a fill footprint (fewer bridge columns, supports, etc.) in the San Jacinto River floodplain than does the SJRB DV design. Such clarification could be added to the descriptions of both SJR bridge scenarios in RDEIR/SDEIS at pp.2-28 and 2-29. Because the base case bridge design appears to pose fewer impacts to federal jurisdictional waters and to wildlife-related beneficial uses of the river and its floodplain, and appears to minimize restrictions to flood flows, the "base case" bridge is Board staff's preferred alternative. S-6-2

3. Appendix P, Table A indicates that the "Alternative 5 Modified, San Jacinto North Design Variation" appears to have less overall impact on waters, as acreage¹, than the other Alternatives and variation, and therefore this is the option preferred by Board staff. S-6-3

The original design or "base case" had the eastern end of the MCP connecting with the existing SR-79 immediately south of Ramona Expressway. However, the Project's second design variation (San Jacinto North Design Variation, or SJN DV) would locate the junction of the MCP and SR-79 1,140 feet north of the current Ramona Expressway alignment. None of the above-referenced tables report impacts to wetland and non-riparian wetland water bodies at the optional SJN DV / SR-79 connection. The RDEIR/SDEIS reports, instead, that the "State Route 79 Realignment Project" would ostensibly precede the MCP Project, identify and impact those water bodies, and mitigate for them (Appendix P, Table A footnote). Regional Board staff believes that impacts to water bodies at the proposed MCP junctions with the realigned SR 79 should be analyzed in the MCP's final REIR/SEIS, in order to provide information needed to understand these options' potential effects on waters and water quality and determine mitigation needs, if any.

Appendix P, Table A, most succinctly shows the areas of temporary and permanent impacts to waters of the state, and of the U.S., that would occur with each of three optional alignments for each of the three Alternatives presented, for a total of nine variations. To enable comparison of these alternatives' and variations' impacts on waters, the RDEIR/SDEIS preparers should consider replicating this table within the text of the Report/Study, at about p.2-29. S-6-4

4. We acknowledge that the RDEIR/SDEIS identifies the type and acreage of wetlands and other waters of the U.S. under federal jurisdiction, and waters of the state that are not under federal jurisdiction. However, insufficient information is provided that describes the ecological condition of these waters. Board staff believes that the final REIR/SEIR should include an analysis comparing the ecological condition of each of these waters that will potentially be impacted, using standard metrics, such as California Rapid Assessment Method (CRAM) 6.0, 2012. This information can be useful to inform further analysis of which design options have the least impact on aquatic resources, as measured by the condition of the resource, not merely by acreage impacted. This information will also be useful to determine how to appropriately mitigate for unavoidable impacts to aquatic resources. S-6-5

¹ "Alternative 5 Modified, SJNorth DV" would: 1) impact a combined total of 9.22 acres of temporary and permanent waters of the U.S. and the state; 2) permanently impact 6.70 acres of waters of the U.S; 3) impact the fewest acres of wetland; and, 4) impact the fewest acres of vegetated water bodies (11.43 acres) under the jurisdiction of the California Department of Fish and Wildlife. In comparison, "Alternative 9 Modified, SJN DV" would have fewer permanent impacts (6.59 acres) to waters of the U.S., but more overall total temporary and permanent impacts (9.84 acres) to waters of the U.S. and state, and to vegetated water bodies (11.97 acres).

5. The RDEIR/SDEIS discusses that an application for Clean Water Act (CWA) Section 401 Water Quality Standards Certification will eventually be submitted to the Regional Board (Table S.1, p.S-54; Table S.2, "Permits and Approvals Needed").² For the as-yet undetermined Alternative, the Certification application should include:

- The number, type, location, and individual and total area of roadway and bridge supports and footings, including columns, piers, bents and fills, that are to be installed in the PSD and San Jacinto River active channel and floodplain;
- The volume, area, and footprint of fill that is to be placed in the PSD and San Jacinto River active channel and floodplain. "Fill" includes footings as well as engineered earth fills;
- The acreage and linear feet of waters of the U.S./state proposed to be impacted by the project;
- Objective information and metrics concerning the ecological condition and function for each water body to be impacted;
- The type of impacts occurring to each water body and its beneficial uses (e.g., fill and/or excavation, alteration of hydrology, removal of vegetation, changes in ecological complexity, shading aquatic resources or environments, etc.);
- Mitigation Plan (see Comment 6., below) of measures to compensate for permanent impact to and loss of waters and their water quality standards;
- Tentative Water Quality Management Plan (WQMP) for the MCP; and,
- The project's proposed drainage plan showing location of proposed stormwater quality BMPs.

S-6-6

6. Regional Board staff agrees with the premise of Appendix P, "Conceptual Mitigation Plan for Impacts to Wetlands and Other Waters of the United States," which is meant to provide the framework for compensatory mitigation to satisfy CWA Sections 404/401, and California Fish and Game Code Section 1602. Appendix P indicates that a number of mitigation opportunities will be utilized following the selection of the final Project Alternative option, but that a minimum 2:1 ratio will be followed for, "...a net increase of aquatic resource function." While short term, temporary impacts will be mitigated through "in-place restoration of resources" at a 1:1 ratio, longer term temporary and permanent impacts will be mitigated with a minimum 2:1 ratio / no-net-loss of aquatic resource acreage approach to mitigation, using "...establishment (creation), restoration, preservation, or enhancement..." actions (p. P-3). Appendix P prioritizes these actions as follows:

S-6-7

- a. On-site and/or off-site establishment (net gain of rebuilt aquatic resource area);
- b. On-site and/or off-site rehabilitation (net gain of aquatic resource function, not area);
- c. On-site enhancement (improvement of aquatic functions); and
- d. Preservation.

This prioritization appears to anticipate that most resources that will be impacted are functioning at a relatively low level. Regional Board staff prefers that for aquatic and riparian resources that have relatively good to high levels of function, to the maximum extent practical, impacts should be avoided, first and foremost, and therefore we believe that enhancement and preservation should be higher mitigation priorities. This assumes that a minimum amount of enhancement is

² The Alternatives Analysis (Appendix M) found the "No Action Alternative under Section 404(b)(1)" to not be feasible, because the Project would invariably impact waters of the U.S.

needed to provide the desired functional lift. The other mitigation priorities outlined entail significant intervention to modify existing resources to achieve no net loss or provide functional lift, rather than avoiding or minimizing impacts and preserving or enhancing existing ecological function.

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Further, various tools for assessing ecological condition should be applied to each water body proposed to be impacted along the chosen alignment. The same tools can also be used to assess and evaluate proposed mitigation sites. Tools including (but not limited to) CRAM 6.0, 2012, the Regional Supplement to the Corps of Engineers Delineation Manual, Arid West Region, USACE, 2008, and USACE's Before-After Mitigation Impact ("BAMI") spreadsheet, 2012, etc., can be used to quantify attributes of a particular water body, to assess magnitude proposed of impact(s), to evaluate proposed mitigation ratios, and to plan mitigation outcomes. This information should then be used to develop resource-condition based "no net loss" mitigation proposals and assess whether proposed mitigation will adequately compensate for unavoidable impairments of the affected water's ecological functions, which include their water quality standards. We concur that the "detailed mitigation plan must be developed,"...in consultation with agency representatives (p.P-21), focusing "on specific mitigation ratios and performance standards..." This consultation is expected to include consideration of no net loss of the function and service of affected waters, as well as no net loss of acreage of aquatic resources.

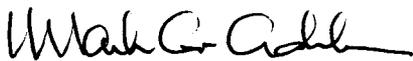
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7. In Appendix I, Attachment 3, the Regional Board's December 24, 2004 letter was grouped with "Regional Agencies" historical letters, instead of with those from "State Agencies." Regional Board staff request that the enclosed December 12, 2008 letter, which was not represented in Attachment 3, be included in the Final EIR with our December 24, 2004 letter in the "State Agencies" category.

S-6-9
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If you have any questions, please contact Glenn Robertson at (951) 782-3259, or Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-3234, or Mark.Adelson@waterboards.ca.gov

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

Enclosure: Regional Board December 12, 2008 letter

Cc w/encl: State Clearinghouse
U.S. Army Corps of Engineers, Los Angeles – Susan A. Meyer at susan.a.meyer@usace.army.mil
U.S. Fish and Wildlife Service, Carlsbad – Karin Cleary-Rose
California Dept. of Fish and Wildlife, Ontario- Jeff Brandt



California Regional Water Quality Control Board

Santa Ana Region



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Arnold Schwarzenegger
Governor

December 12, 2008

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DRAFT ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT, RIVERSIDE COUNTY TRANSPORTATION COMMISSION, MID-COUNTY PARKWAY, SCH# 2004111103

Dear Ms. Bechtel:

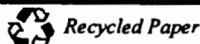
Regional Board (RWQCB) staff have reviewed the Draft Environmental Impact Report/ Draft Environmental Impact Statement (DEIR/DEIS) for the proposed Mid-County Parkway (MCP; Project), a multi-lane regional highway with undetermined exits that will extend from San Jacinto to Interstate 15 (I-15) south of Corona.

The Preferred Alternative is the southernmost route, "Alternative 9 with the Temescal Wash Design Variation (9 TWS DV)," which recognizes direct impacts to 10.1 acres of waters of the U.S. (Table 3.18.C), jurisdictional to the U.S. Army Corps of Engineers (Corps) and our office (Clean Water Act Sections 404/401). The Project area (all alternatives) encompasses a total of 112.65 acres of Corps-jurisdictional area and 257.5 acres of California Department of Fish and Game jurisdictional area. At our meeting with you planned for, December 16, 2008, we would like to discuss appropriate mitigation for proposed impacts of the MCP project to waters of both the U.S. and state.

We request that the EIR/EIS (Response to Comments) incorporate discussion of the following comments, in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) identified in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):

1. The DEIR/DEIS (p. 3.18-2) should clarify that surface waters outside of federal jurisdiction ("isolated waters") are nevertheless waters of the State and may be subject to individual waste discharge requirements issued by the Regional Board, pursuant to the Porter-Cologne Water Quality Control Act. Large-scale maps of all portions of the proposed route should indicate all jurisdictional and non-jurisdictional water bodies identified.
2. The discussions of cumulative and growth-inducing impacts (DEIR/DEIS p. 4-14; Section 3.25) indicate that the presence of the MCP will have little influence on the construction of new developments along the route, population increase, rate of growth, etc. Instead, we believe that the DEIR/DEIS should reflect that almost all

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major roads do engender growth and the development of the properties along them (perhaps with the exception of a minimum-exit tollroad). The accessible regional network that the MCP will help create will likely cause, or at the very least contribute to, increased traffic in the long term, with additional attendant increase in the loading of pollutants of concern in stormwater runoff from the proposed projects' facilities.

We request that the DEIR/DEIS mention related projects at various levels of likelihood, including the Corona Foothill Parkway, the East Corona Corridor, and all existing and potential developments related to the MCP segment extending west of the MCP/I-15 interchange. This analysis need not be extensive. Pursuant to CEQA Guidelines Sections 15065, 15130, and 15355, we request that the MCP's "effects" be "considered together" with "closely related past, present, and reasonably foreseeable probable future projects" (not merely current projects adjacent to the MCP, or those that are consistent with the County General Plan).

3. Along any of the routes for Alternatives 4/5/6/7, at the corner of Cajalco and Wood Roads, there is a constructed wetland mitigation site established as a Clean Water Act § 401 Certification condition for the Boulder Heights development project that should be avoided (the 9 TWS DV alternative does not have this impact). Further, DEIR/DEIS p. 4-13 indicates that if Alternatives 4/5/6/7 are selected, then impacts posed by a new confined Cajalco Creek alignment could not be mitigated to below a level of significance. The DEIR/DEIS must explain why a different design could not avoid impacting these water bodies.
4. All MCP alternatives enter Temescal Canyon at the same location, 100 feet south of the existing Cajalco Road alignment, and intersect with to the I-15 with two elevated "flyways" and other connectors. As depicted on Figure 3.9.3, the flyways would pass directly over and shade the confluence of Bedford Canyon Creek Wash and Temescal Canyon Creek Wash and be anchored on piers within the Bedford Canyon Creek Wash floodplain. Changes to Cajalco Road and Bridge (over Temescal Creek Wash) evidently are part of a separate element of the MCP project ("Northern Bridge") that we would like to discuss with County staff. One note said that the Cajalco Road/I-15 area would undergo a major revision by 2011. Because there are mitigation sites near this location, clarification regarding the project's effects on Cajalco Road and its usage are needed. For reasons outlined below, we would like to discuss relocation of certain proposed structures in order to minimize impacts to beneficial uses of the Temescal Creek Wash floodplain.

Regional Board staff have been overseeing three mitigation projects in the confluence of Temescal Creek Wash and Bedford Canyon Creek Wash and their floodplains, involving restoration of beneficial uses, in compliance with permits administered by the Regional Board:

- a) SWRCB Water Quality Order No. 2004-0004-DWQ, City of Corona - To mitigate for loss of wildlife habitat associated with construction within Bedford Canyon Creek Wash, a restoration plan is being implemented adjacent to the City of Corona Wastewater Treatment Plant No. 3.

- b) Order No. R8-2003-0015, Waste Discharge Requirements for SE Corporation, Dos Lagos Project — To mitigate for loss of wildlife habitat associated with construction within and adjacent to Bedford Canyon Creek Wash and Temescal Creek Wash, a program for exotic vegetation removal and streambed planting is being conducted across the Bedford Canyon Creek Wash floodplain and in part of the confluence.
- c) Amendment to 401 Water Quality Certification File No. 332000-05, for SE Corporation, Dos Lagos Project – To mitigate for loss of wildlife habitat associated with construction of the Temescal Canyon Road bridge over Bedford Canyon Creek Wash and armoring of the Bedford Canyon Creek Wash channel. Similar restoration work is being done in conjunction with b), above, after lengthy negotiations with SE Corp. over available mitigation sites. As part of these requirements, SE Corp. has entered into an agreement with the City of Corona (City) to maintain a drainage inlet structure located on the south side of Cajalco Road, east of Temescal Canyon Road. We request that the DEIR/ DEIS assure that if this inlet structure is moved or replaced, a responsible agency will agree to accept and carry out the responsibility for its ongoing operation and maintenance.

Another possible project in and around the Temescal Creek Wash/ Bedford Canyon Creek Wash confluence, entails the transfer of five acres of this floodplain area from SE Corp. to Riverside County Flood Control District. Any project at the confluence would likely be encroached upon by the MCP, associated widening of the Cajalco Road Bridge, and/or the projected "Northern Bridge." The EIR/EIS should explain and evaluate how the MCP route and structures would change the Cajalco Road Bridge, floodplain, and confluence. We request that proposed MCP project elements not diminish the quality of the beneficial uses that are now under restoration in the vicinity of this confluence. The EIR/EIS needs to describe how BMPs, designs, and construction procedures will avoid introducing to this riparian habitat the contaminants and permanent disturbance associated with runoff, construction, shading, and traffic, so that recognized WILD, WARM, RARE, REC2, and GWR beneficial uses (p. 3.9-12) would not be degraded.

If you have any questions, please call Glenn Robertson at (951) 782-3259 or grobertson@waterboards.ca.gov, or me at (951) 782-3234 or madelson@waterboards.ca.gov.

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

cc: State Clearinghouse

U.S. Army Corps of Engineers, Los Angeles – Jason Lambert/Public Info site
U.S. Fish and Wildlife Service, Carlsbad – Doreen Stadlander
California Department of Fish and Game – Magdalena Rodriguez/Jeff Brandt/Mike Flores
Best Best & Krieger, Riverside - Michelle Ouellette
Jacobs Engineering, Cypress – Steve Henderson/ cc: Jeannie Lee Bang/ Dawn Nevils
Riverside County Habitat Conservation Agency – Gail Barton
Riverside-Corona Resource Conservation District, Riverside – Arlee Montalvo

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